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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2015–0051]

RIN 0579–AE20

Importation of Lemons From Chile Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the fruits and vegetables regulations to list lemon (*Citrus limon* (L.) Burm. f.) from Chile as eligible for importation into the continental United States subject to a systems approach. Under this systems approach, the fruit will have to be grown in a place of production that is registered with the Government of Chile and certified as having a low prevalence of *Brevipalpus chilensis.* The fruit will have to undergo pre-harvest sampling at the registered production site under the direction of Chile's national plant protection organization. Following post-harvest processing, the fruit will have to be inspected in Chile at an APHIS-approved inspection site. Each consignment of fruit will have to be accompanied by a phytosanitary certificate with an additional declaration stating that the fruit had been found free of *B. chilensis* based on field and packinghouse inspections. This final rule will allow for the safe importation of lemons from Chile using mitigation measures other than fumigation with methyl bromide.

DATES: Effective May 7, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Dorothy Wayson, Senior Regulatory Specialist, Regulatory Coordination and Compliance, Plant Health Programs, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737; (301) 851–2036.

SUPPLEMENTARY INFORMATION:

Background

Under the regulations in ''Subpart-Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–82, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into and spread within the United States.

The regulations in § 319.56–4(a) provide that fruits and vegetables that can be safely imported using one or more of the designated phytosanitary measures in § 319.56–4(b) will be listed, along with the applicable requirements for their importation, on the internet. This list may be found in the Fruits and Vegetables Import Requirements (FAVIR) database at *https://www.aphis.usda.gov/aphis/ourfocus/planthealth/sa_import/sa_permits/sa_plant_plant_products/sa_fruits_vegetables/ct_favir/.* Currently, lemons from Chile (*Citrus limon* (L.) Burm. f.) are listed in the FAVIR database as enterable subject to treatment with methyl bromide for the pest *Brevipalpus chilensis,* the Chilean false red mite, applied either as a condition of entry treatment or in Chile under an APHIS preclearance program. These conditions have been in place since 1982.

The regulations in § 319.56–4(a) also provide that commodities that require phytosanitary measures other than those found in § 319.56–4(b) may only be imported in accordance with applicable requirements in § 319.56–3 and commodity-specific requirements contained elsewhere in the subpart. The conditions applicable to the importation of citrus from Chile are listed in § 319.56–38. At present, clementines (*Citrus reticulata* Blanco var. Clementine), mandarins (*Citrus reticulata* Blanco), and tangerines (*Citrus reticulata* Blanco) may be imported into the United States from Chile, and grapefruit (*Citrus paradisi* Macfad.) and sweet oranges (*Citrus sinensis* (L.) Osbeck) may be imported into the continental United States from Chile under a systems approach.

On April 4, 2016, we published in the **Federal Register** (81 FR 19063–19066, Docket No. APHIS–2015–0051) a proposal [1] to amend § 319.56–38 by including lemons that are currently enterable into the United States subject to treatment, thereby making the lemons eligible for importation under the same systems approach as other citrus from Chile. We also prepared a commodity import evaluation document (CIED) in support of the proposed rule. The CIED was made available for public review and comment with the proposed rule.

We solicited comments concerning our proposal for 60 days ending June 3, 2016. During that time, a commenter noted that APHIS prepared a pest risk assessment (PRA) in response to this market request in 2012, but while we made it available to stakeholders, we did not publish a notice in the **Federal Register** making the PRA available for public review and comment. In response, we made the 2012 PRA publicly available and reopened and extended the deadline for comments until September 26, 2016, in a document published in the **Federal Register** on August 26, 2016 (81 FR 58873, Docket No. APHIS–2015–0051). We received 38 comments by that date. They were from producers, importers, exporters, port operators, representatives of State and foreign governments, and private citizens. Twenty-eight of the commenters were supportive of the proposed rule. The other commenters raised a number of questions and concerns about the proposed rule. The comments are discussed below, by topic.

One commenter was opposed to the proposed rule because of potential economic impacts on lemon producers in the United States.

APHIS notes that the United States is already a net importer of lemons. We also note that this final rule will not change the number of lemons produced by Chile for export to the United States, but will provide an alternative to methyl bromide fumigation. We have thoroughly analyzed the economic effects of the rule, as described below.

Two commenters stated that they were opposed to the proposed rule because there would be an increased pest risk associated with lemons produced under a systems approach.

[1] To view the proposed rule, the supporting documents, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0051.*

APHIS notes that this systems approach has been used successfully with other commodities, such as grapefruit, oranges, and tangerines, to prevent the introduction of pests associated with citrus from Chile. We are making no changes in response to this comment.

One commenter stated that the detection methodology used to qualify for the systems approach will only detect adult mites as a 200 mesh sieve (0.074 mm) but will not collect immature mites. The commenter stated that a refinement of this methodology by using a mesh size of 0.044 mm is needed to detect all life stages.

The commenter is correct that the sieve will collect adult mites. Only the adults can be identified reliably through microscopic examination of the filtrate from the sieve. However, in a given population, multiple life stages (egg to adult) of the mite are concurrent, and since APHIS will require a number of samples, the likelihood of only eggs or nymphs being present in all of the samples is very low. For this reason APHIS can use the sieve sampling method to reliably detect populations of mites at production sites.

Three commenters noted that if mites are detected, lemons would not qualify for the systems approach but could still be shipped to the United States if a methyl bromide treatment is conducted at either the point of origin or at destination. The commenters stated that the treatment of lemons using methyl bromide in Florida is unacceptable as this will allow for the possibility of mites to have a pathway into Florida and possibly endanger Florida's citrus and grape industries. One of the commenters stated that all shipments of fresh lemons that do not qualify for shipment under the systems approach should either have the methyl bromide treatment conducted in Chile or have the shipments sent north of the 39th parallel.

The commenters are correct that lemons that do not qualify for the systems approach could still be shipped to the United States if they are treated with methyl bromide. However, APHIS disagrees that treatment of lemons in Florida will provide a pathway for *B. chilensis* into Florida. We have determined, for the reasons described in the CIED that accompanied the proposed rule, that the measures specified in the systems approach will effectively mitigate the risk associated with the importation of lemons from Chile. The commenter did not provide any evidence suggesting that the mitigations are not effective. Therefore, we are not taking the action requested by the commenter.

One commenter suggested substituting phosphine (sold under the trade names Phostoxin and Magtoxin) or a phosphine/carbon dioxide combination in place of methyl bromide fumigation.

APHIS notes that we do not have an approved phosphine treatment for *B. chilensis.* Moreover, Chile did not ask APHIS to approve a phosphine treatment. They requested that we approve a systems approach, which can substitute for a methyl bromide treatment, eliminating the need for fumigation.

One commenter stated that the rule provides that the production centers where lemons are grown must be registered with the national plant protection organization (NPPO) of Chile including in this record the number of plants/hectares/species. The commenter suggested that this be replaced by the area in hectares/species/variety, which is the information that we currently manage in our records for the other citrus species under a systems approach.

APHIS disagrees. Under the regulations, production site registration requires: Production site name, grower, municipality, province, region, area planted to each species, number of plants/hectares/species, and approximate date of harvest. The information required in this rulemaking is consistent with current recordkeeping for other citrus from Chile under a systems approach.

In the proposed rule and the accompanying CIED, we referred to commercially grown shipments from registered production sites that use good agricultural practices to reduce or eliminate pests. One commenter asked what good agricultural practices entail.

In this context, the phrase good agricultural practices means that fruits and vegetables are produced, packed, handled, and stored to reduce or eliminate pest risk by growing healthy crops that are less vulnerable to pest and diseases, and by protecting the fruit from exposure to pests and diseases after harvest. Good agricultural practices can effectively suppress or eliminate pests from fields or prevent infestation in harvested crops.

One commenter stated that the requirement for good agricultural practices should be required for pre-harvest as well as post-harvest protocols. The commenter suggested adding the words ''Production sites must follow pre-harvest good agricultural practices to be registered'' to § 319.56–38(d)(1).

APHIS notes that following pre-harvest good agricultural practices is not currently required for other Chilean citrus using the systems approach. Furthermore, the systems approach will disqualify production sites that, upon inspection, are found to have mites. It is up to the Chilean growers to reduce their mite populations or they will not qualify to export under the systems approach.

One commenter asked if APHIS will have any role in pre-harvest oversight activities, such as reviewing the records for the registrations on an annual basis. The commenter also asked if APHIS personnel will participate in the pre-harvest tests that are done to determine the existence of the mite.

Yes. At Chile's request, APHIS conducts activities in Chile under a pre-clearance program that covers all fruits and vegetables exported to the United States, so all of the pre-harvest tests and sampling are subject to APHIS oversight. More information about APHIS pre-clearance activities can be found on the APHIS website at *https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/sa_preclearance/ct_preclearance_activities.*

One commenter asked how large registered production sites would be. The commenter stated that the size of the random sample should be proportionate to the size of the registered site. The commenter also asked if there would be a maximum size for each registered production site.

APHIS does not place limits on the size of production sites. The samples for determining freedom from mites are to be taken at random from production sites. Random sampling obviates any reason to increase sample size with the size of the production site. The current sample size is sufficient to detect mite populations of 2 percent with 95 percent probability regardless of the size of production sites.

One commenter stated that requiring the NPPO of Chile to present a list of certified production sites to APHIS annually is insufficient because the pest situation in a given area is always evolving.

Production site surveillance is not the only method used to detect pests. Packinghouse inspection, which takes place throughout the harvest season, backs up production site surveillance. These overlapping measures are part of the same systems approach that has been successfully used with other commodities, such as grapefruit, oranges, and tangerines from Chile, to prevent pest introductions into the United States.

Two commenters stated that in the 2012 PRA, *B. chilensis* was rated as medium risk. The commenters stated that the pest should be considered high risk.

APHIS disagrees that the pest should be rated as high risk. Furthermore, a high risk rating would not have changed our mitigations for the pest. Under APHIS policy, both medium risk and high risk pests are subject to pest-specific mitigations beyond port of entry inspection, and the mitigations we prescribed to address *B. chilensis* are based on the possibility that it may follow the pathway, rather than the risk rating ascribed to the pests.

One commenter stated that random sampling may not be the appropriate way to determine its prevalence in a given growing area. Instead, surveys of surrounding areas may be needed because if there are populations of the mite in the vicinity of the production site and given the ability of the mite to travel on the wind, the mites could move into neighboring orchards given the right wind conditions.

B. chilensis tend to aggregate, move downwind slowly, and do not balloon—that is, they do not produce streamers of silk and travel with wind currents for longer distances.[2] If *B. chilensis* mites move from a neighboring orchard into a registered production site, they should be readily detected through routine place of production inspections and the biometric sampling protocol.

One commenter stated that the 2012 PRA should have addressed citrus fruit borer (*Gymnandrosoma aurantianum*), which is present in Argentina, Peru, and Brazil.

The PRA addressed pests of lemons that are present in Chile. The Crop Protection Compendium [3] maintained by the Centre for Agriculture and Biosciences International does not list the citrus fruit borer as present in Chile, and a search of the scientific literature for Tortricidae references did not find it to be present in Chile.

One commenter stated that APHIS should provide data that demonstrates that the pre-harvest sieving is effective. The commenter stated that relying on the lack of interceptions of the mite is not sufficient.

As we explained above, this systems approach, including pre-harvest sieving, has been used successfully with other commodities, such as clementines, mandarins, tangerines, grapefruits, and sweet oranges from Chile. APHIS considers that this approach has been extensively tested and found to work.

Two commenters stated that the wash survey proposed in the systems approach does not appear to have been evaluated in scientific literature. The commenters stated that surveys capable of detecting immature mites should be scientifically evaluated before being considered as a component of a systems approach.

APHIS disagrees. Mites and other small organisms have been studied by collecting them from their habitat through sieves that concentrate them. In their classic textbook Ecological Methods, Southwood and Henderson devote chapters to this method of sampling. (Southwood, T.R.E., & Henderson, P.A. (2009). Ecological Methods. John Wiley & Sons.)

This method of sampling has been used since the 18th century; use of Berlese funnels and sieves is ubiquitous in sampling mites and other small organisms in various habitats. The agricultural quarantine and inspection data that APHIS collects routinely suggests that the specific method described in the regulations, which has been used for almost 20 years, has been very effective in detecting *B. chilensis* mites on fruit from Chile.

One commenter noted that under the systems approach, a biometric sample of each consignment will be inspected in Chile under the direction of APHIS inspectors. The commenter asked how the term biometric sample is defined and if the biometric sample will be made proportional to the size of the consignment. The commenter also asked how large each consignment would be and if there was a limit on the size of each consignment.

With a hypergeometric probability distribution (biometric sample), once a certain consignment size is reached (about 4,000 fruit, which would be a very small commercial shipment), a fixed sample size of 150 gives the same probability of finding the pest (95 percent confidence of finding a 2 percent pest infestation) independent of the increasing consignment size no matter how large the consignment size is. The size of a consignment is determined by agreement between the importer and the exporter. APHIS does not limit the size of consignments.

One commenter stated that the number of samples inspected for the determination of production site freedom from mites as part of the systems approach should be 600 for at least the first 3 years of the program, since this is consistent with what other countries require of U.S. growers. The commenter stated that this requirement is appropriate given that this is the first time this program has been applied to lemons and unanticipated issues could arise.

APHIS disagrees that the number of samples inspected should be 600. One hundred samples is consistent with the protocol used for other Chilean citrus fruits, including clementines, mandarins, tangerines, grapefruits, and sweet oranges, and has been effective at preventing infested fruit from being shipped. Inspecting an additional 500 fruit per sample does not substantially impact the probability of finding an infestation, and would be significantly more resource-intensive.

Miscellaneous

In § 319.56–38, paragraph (d)(4) provides the phytosanitary inspection procedures that apply to citrus fruit imported from Chile under the section. When we added sweet oranges and grapefruit to the section in 2009, we failed to add them specifically to that paragraph with the already-listed clementines, mandarins, and tangerines. We similarly neglected to propose adding lemons to the listed fruit in our proposed rule. Therefore, in this final rule, we have added sweet oranges, grapefruit, and lemons to the fruit listed in paragraph (d)(4).

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, with the change discussed in this document.

Executive Orders 12866 and 13771 and Regulatory Flexibility Act

This final rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget. Further, because this final rule is not significant, it is not a regulatory action under Executive Order 13771.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities. The analysis is summarized below. Copies of the full analysis are available on the *Regulations.gov* website (see footnote 1 in this document for a link to *Regulations.gov*) or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

This rule will allow fresh lemon imported from Chile into the United States to be treated using a systems approach as an alternative to methyl bromide fumigation, to mitigate the risk of introduction of the Chilean false red mite.

[2] Childers, C.C. and J.C.V. Rodrigues. 2011. An overview of *Brevipalpus* mites (Acari: Tenuipalpidae) and the plant viruses they transmit. Zoosymposia 6:180–192.

[3] The Crop Protection Compendium can be viewed online at *http://www.cabi.org/cpc/*.

The United States is a net importer of fresh lemons. Over the last five seasons, U.S. annual imports of fresh lemons averaged 497,000 metric tons (MT), an amount equal to about 60 percent of U.S. fresh lemon production and almost four times the quantity exported (129,000 MT per year).

More than 90 percent of U.S. fresh lemon imports come from Mexico, with only 4 percent supplied by Chile. Chile's Ministry of Agriculture estimates that approximately 60 percent of that country's lemon exports to the United States will be qualified for importation using the systems approach rather than fumigated. This amount represents less than 3 percent of U.S. lemon imports, and less than 2 percent of U.S. fresh lemon consumption. This rule is not expected to result in significant cost savings for Chile's lemon exporters or a substantial change in their competitiveness.

Although the majority of entities that may be affected by this rule (lemon importers, producers, and wholesalers) are small, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This final rule allows lemon fruit to be imported into the continental United States from Chile subject to a systems approach. State and local laws and regulations regarding lemon fruit imported under this rule will be preempted while the fruit is in foreign commerce. Fresh fruits are generally imported for immediate distribution and sale to the consuming public, and remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. No retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the burden requirements included in this final rule, which were filed under 0579–0446, have been submitted for approval to the Office of Management and Budget (OMB). When OMB notifies us of its decision, if approval is denied, we will publish a document in the **Federal Register** providing notice of what action we plan to take.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance 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. For information pertinent to E-Government Act compliance related to this rule, please contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we are amending 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

■ 1. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 450 and 7701–7772 and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

■ 2. Section 319.56–38 is amended as follows:

■ a. In the introductory text, by adding the words '', lemons (*Citrus limon* (L.) Burm. f.),'' between the words ''(*Citrus paradisi* Macfad.)'' and ''and sweet oranges'';

■ b. In paragraph (d)(4) introductory text, by adding the words ''grapefruit, lemons,'' between the words ''Clementines,'' and ''mandarins,'' and by adding the words ''sweet oranges,'' between the words ''mandarins,'' and ''or tangerines'';

■ c. In paragraphs (e) and (f), by adding the word ''lemons,'' between the words ''grapefruit,'' and ''mandarins,''; and

■ d. By revising the OMB citation at the end of the section.

The revision reads as follows:

§ 319.56–38 Citrus from Chile.

* * * * *

(Approved by the Office of Management and Budget under control numbers 0579–0242 and 0579–0446)

Done in Washington, DC, this 2nd day of April 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–07073 Filed 4–5–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 900, 915, 917, 923, 925, 932, 946, 948, 953, 955, 956, 958, 981, 984, 987, and 993

[Doc. No. AMS–SC–17–0083; SC18–915-I FR]

Subpart Nomenclature Change; Technical Amendment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: This document makes nomenclature changes to subpart headings in the Agricultural Marketing Service's regulations to bring the language into conformance with the Office of the Federal Register requirements.

DATES: This rule is effective May 7, 2018.

ADDRESSES: Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Stop 0237, Washington, DC 20250–0237.

FOR FURTHER INFORMATION CONTACT: Melissa Schmaedick, Senior Marketing Specialist, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, Post Office Box 952, Moab, UT 84532; Telephone: (202) 557–4783, Fax: (435) 259–1502, or Julie Santoboni, Rulemaking Branch Chief, 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: *Melissa.Schmaedick@ams.usda.gov* or *Julie.Santoboni@ams.usda.gov.*

Small businesses may request information on this proceeding 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 the General regulations (part 900) and the marketing orders in numerous other parts of title 7, that regulate the handling of fruits, vegetables and nuts (parts 915, 917, 923, 925, 932, 946, 948,

953, 955, 956, 958, 981, 984, 987, and 993). These parts (referred to as ''Order'' or ''Orders''), are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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 the Office of Management and Budget's (OMB) 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).

Preliminary Statement

This document makes nomenclature changes to subpart headings in part 900 and Orders 915, 917, 923, 925, 932, 946, 948, 953, 955, 956, 958, 981, 984, 987, and 993 to bring the language into conformance with the Office of the Federal Register (OFR) requirements. These changes will ensure that all subpart headings in part 900 and the Orders are consistent with OFR nomenclature and formatting used throughout the Code of Federal Regulations (CFR).

A. What does this technical amendment do?

This technical amendment redesignates and revises the heading of each subpart within part 900 and each of the Orders so that it is consistent with OFR requirements. These subparts were improperly incorporated into the Orders without an assigned subpart letter. Further, some subpart headings were titled ''Rules and Regulations,'' which is inconsistent with approved subpart headings, as each Order, defined as a part under chapter IX, volume 8, title 7 of the CFR, ''AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE,'' represents a body of regulations. For example, part 915, encompasses regulations of the Order for avocados grown in south Florida. The first subpart of this part is correctly titled ''Order Regulating Handling,'' but lacks the correct designation as ''subpart A.'' This rule amends that subpart by redesignating it as ''Subpart A-Order Regulating Handling.'' The second subpart of part 915 is both undesignated and erroneously titled, ''Subpart-Rules and Regulations.'' This title is considered redundant by the OFR in that it denotes regulations within a body of regulation. This rule amends that subpart by redesignating it as ''subpart B'' and revising the heading to read, ''Subpart B-Administrative Requirements.'' This document makes similar amendments to redesignate and revise headings of all subparts of the listed Orders to bring them into compliance with OFR requirements. Not all marketing orders are addressed in this rule as some marketing orders do not contain subpart headings that require corrections.

B. Why is this technical amendment issued as a final rule?

Section 553(b)(3)(B) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. The Agricultural Marketing Service (AMS) has determined that there is good cause for making this technical amendment final without prior proposal and opportunity for comment because the redesignations and revised headings will have no impact on the regulations of the affected parts. AMS has determined that public comment on such ministerial changes is unnecessary and that therefore there is good cause under 5 U.S.C. 553(b)(3)(B) for proceeding with a final rule.

Further, because a notice of proposed rulemaking and opportunity for public comment are not required to be given for this rule under the APA or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, this rule is issued in final form. Although there is no formal comment period, public comments on this rule are welcome on a continuing basis. Comments should be submitted to the address or email under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

7 CFR Part 900

Administrative practice and procedure, Freedom of information, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 915

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 917

Marketing agreements, Peaches, Pears, Plums, Reporting and recordkeeping requirements.

7 CFR Part 923

Cherries, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 925

Grapes, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

7 CFR Part 953

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

7 CFR Part 955

Marketing agreements, Onions, Reporting and recordkeeping requirements.

7 CFR Part 956

Marketing agreements, Onions, Reporting and recordkeeping requirements.

7 CFR Part 958

Marketing agreements, Onions, Reporting and recordkeeping requirements.

7 CFR Part 981

Marketing agreements, Nuts, Reporting and recordkeeping requirements.

7 CFR Part 984

Marketing agreements, Nuts, Reporting and recordkeeping requirements.

7 CFR Part 987

Dates, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 993

Marketing agreements, Plums, Prunes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS amends 7 CFR parts 900, 915, 917, 923, 925, 932, 946, 948, 953, 955, 956, 958, 981, 984, 987 and 993 as follows:

PART 900—GENERAL REGULATIONS

■ 1. The authority citation for 7 CFR part 900 is revised to read as follows:

Authority: 7 U.S.C. 601–674; 7 U.S.C. 7401; 5 U.S.C. 301, 552; and 44 U.S.C. Ch. 35.

[Subpart Redesignated as Subpart A]

■ 2. Redesignate ''Subpart-Rules of Practice and Procedure Governing Proceedings to Formulate Marketing Agreements and Marketing Orders'' as ''Subpart A-Procedural Requirements Governing Proceedings to Formulate Marketing Agreements and Marketing Orders''.

[Subpart Redesignated as Subpart B]

■ 3. Redesignate ''Subpart—Supplemental Rules of Practice Governing Proceedings to Amend Federal Milk Marketing Agreements and Marketing Orders'' as ''Subpart B—Supplemental Procedural Requirements Governing Proceedings to Amend Federal Milk Marketing Agreements and Marketing Orders''.

[Subpart Redesignated as Subpart C]

■ 4. Redesignate ''Subpart—Supplemental Rules of Practice Governing Proceedings to Amend Fruit, Vegetable and Nut Marketing Agreements and Marketing Orders'' as ''Subpart C—Supplemental Procedural Requirements Governing Proceedings to Amend Fruit, Vegetable and Nut Marketing Agreements and Marketing Orders''.

[Subpart Redesignated as Subpart D]

■ 5. Redesignate ''Subpart—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From Marketing Orders'' as ''Subpart D—Procedural Requirements Governing Proceedings on Petitions To Modify or To Be Exempted From Marketing Orders''.

[Subpart Redesignated as Subpart E]

■ 6. Redesignate ''Subpart—Supplemental Rules of Practice for Marketing Orders, Marketing Agreements, and Requirements Issued Pursuant to 7 U.S.C. 608b(b) and 7 U.S.C. 608e Covering Fruits, Vegetables, and Nuts'' as ''Subpart E—Supplemental Procedural Requirements for Marketing Orders, Marketing Agreements, and Requirements Covering Fruits, Vegetables, and Nuts''.

[Subpart Redesignated as Subpart F]

■ 7. Redesignate ''Subpart—Procedure Governing Meetings To Arbitrate and Mediate Disputes Relating to Sales of Milk or Its Products'' to ''Subpart F—Procedure Governing Meetings To Arbitrate and Mediate Disputes Relating to Sales of Milk or Its Products''.

[Subpart Redesignated as Subpart G and Amended]

■ 8. Redesignate ''Subpart—Miscellaneous Regulations'' as subpart G and revise the heading to read as follows:

Subpart G—Miscellaneous Requirements

[Subpart Redesignated as Subpart H]

■ 9. Redesignate ''Subpart—Procedure for Conduct of Referenda To Determine Producer Approval of Milk Marketing Orders To Be Made Effective Pursuant to Agricultural Marketing Agreement Act of 1937, as Amended'' as ''Subpart H—Procedure for Conduct of Referenda To Determine Producer Approval of Milk Marketing Orders To Be Made Effective Pursuant to Agricultural Marketing Agreement Act of 1937, as Amended''.

[Subpart Redesignated as Subpart I]

■ 10. Redesignate ''Subpart—Procedure for Determining the Qualification of Cooperative Milk Marketing Associations'' as ''Subpart I—Procedure for Determining the Qualification of Cooperative Milk Marketing Associations''.

[Subpart Redesignated as Subpart J]

■ 11. Redesignate ''Subpart—Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended'' as ''Subpart J—Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended''.

[Subpart Redesignated as Subpart K]

■ 12. Redesignate ''Subpart—Public Information'' as ''Subpart K—Public Information''.

[Subpart Redesignated as Subpart L]

■ 13. Redesignate ''Subpart—Information Collection'' as ''Subpart L—Information Collection''.

[Subpart Redesignated as Subpart M]

■ 14. Redesignate ''Subpart—Assessment of Exemptions'' as ''Subpart M—Assessment of Exemptions''.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

PART 917—FRESH PEARS AND PEACHES GROWN IN CALIFORNIA

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

PART 932—OLIVES GROWN IN CALIFORNIA

PART 946—IRISH POTATOES GROWN IN WASHINGTON

PART 948—IRISH POTATOES GROWN IN COLORADO

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

PART 955—VIDALIA ONIONS GROWN IN GEORGIA

PART 956—SWEET ONIONS GROWN IN THE WALLA WALLA VALLEY OF SOUTHWEST WASHINGTON AND NORTHEAST OREGON

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

PART 981—ALMONDS GROWN IN CALIFORNIA

PART 984—WALNUTS GROWN IN CALIFORNIA

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

■ 15. The authority citation for 7 CFR parts 915, 917, 923, 925, 932, 946, 948, 953, 955, 956, 958, 981, 984, 987 and 993 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

[Subpart Redesignated as Subpart A]

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

[Subpart Redesignated as Subpart B and Amended]

■ 17. 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]

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

[Subpart Redesignated as Subpart D and Amended]

■ 19. Redesignate ''Subpart—Container and Pack Regulations'' as subpart D and revise the heading to read as follows:

Subpart D—Container and Pack Requirements

PART 917—FRESH PEARS AND PEACHES GROWN IN CALIFORNIA

[Subpart Redesignated as Subpart A]

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

[Subpart Redesignated as Subpart B and Amended]

■ 21. 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 and Amended]

■ 22. Redesignate ''Subpart—Grade and Size Regulation'' as subpart C and revise the heading to read as follows:

Subpart C—Grade and Size Requirements

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

[Subpart Redesignated as Subpart A]

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

PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

§§ 925.1 through 925.69 [Designated as Subpart A]

■ 24. Designate §§ 925.1 through 925.69 as subpart A and add a heading for subpart A to read as follows:

Subpart A—Order Regulating Handling

[Subpart Redesignated as Subpart B and Amended]

■ 25. 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]

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

PART 932—OLIVES GROWN IN CALIFORNIA

[Subpart Redesignated as Subpart A]

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

[Subpart Redesignated as Subpart B and Amended]

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

Subpart B—Administrative Requirements

PART 946—IRISH POTATOES GROWN IN WASHINGTON

[Subpart Redesignated as Subpart A]

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

[Subpart Redesignated as Subpart B and Amended]

■ 30. 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 and Amended]

■ 31. Redesignate ''Subpart—Handling Regulations'' as subpart C and revise the heading to read as follows:

Subpart C—Handling Requirements

PART 948—IRISH POTATOES GROWN IN COLORADO

[Subpart Redesignated as Subpart A]

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

[Subpart Redesignated as Subpart B and Amended]

■ 33. 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]

■ 34. Redesignate ''Subpart—Accounting and Collections'' as ''Subpart C—Accounting and Collections''.

[Subpart Redesignated as Subpart D and Amended]

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

Subpart D—Handling Requirements

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

[Subpart Redesignated as Subpart A]

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

[Subpart Redesignated as Subpart B and Amended]

■ 37. 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]

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

[Subpart Redesignated as Subpart D and Amended]

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

Subpart D—Handling Requirements

PART 955—VIDALIA ONIONS GROWN IN GEORGIA

§§ 955.1 through 955.92 [Designated as Subpart A]

■ 40. Designate §§ 955.1 through 955.92 as subpart A and add a heading for subpart A to read as follows:

Subpart A—Order Regulating Handling

[Subpart Redesignated as Subpart B and Amended]

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

Subpart B—Administrative Requirements

PART 956—SWEET ONIONS GROWN IN THE WALLA WALLA VALLEY OF SOUTHEAST WASHINGTON AND NORTHEAST OREGON

§§ 956.1 through 956.96 [Designated as Subpart A]

■ 42. Designate §§ 956.1 through 956.96 as subpart A and add a heading for subpart A to read as follows:

Subpart A—Order Regulating Handling

[Subpart Redesignated as Subpart B and Amended]

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

Subpart B—Administrative Requirements

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

[Subpart Redesignated as Subpart A]

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

[Subpart Redesignated as Subpart B and Amended]

■ 45. 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 and Amended]

■ 46. Redesignate ''Subpart—Handling Regulations'' as subpart C and revise the heading to read as follows:

Subpart C—Handling Requirements

PART 981—ALMONDS GROWN IN CALIFORNIA

[Subpart Redesignated as Subpart A]

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

[Subpart Redesignated as Subpart B]

■ 48. Redesignate ''Subpart—Assessment Rates'' as ''Subpart B—Assessment Rates''.

[Subpart Redesignated as Subpart C and Amended]

■ 49. Redesignate ''Subpart—Administrative Rules and Regulations'' as subpart C and revise the heading to read as follows:

Subpart C—Administrative Requirements

PART 984—WALNUTS GROWN IN CALIFORNIA

[Subpart Redesignated as Subpart A]

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

[Subpart Redesignated as Subpart B]

■ 51. Redesignate ''Subpart—Assessment Rates'' as ''Subpart B—Assessment Rates''.

[Subpart Redesignated as Subpart C and Amended]

■ 52. Redesignate ''Subpart—Administrative Rules and Regulations'' as subpart C and revise the heading to read as follows:

Subpart C—Administrative Requirements

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

[Subpart Redesignated as Subpart A]

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

[Subpart Redesignated as Subpart B and Amended]

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

Subpart B—Administrative Requirements

[Subpart Redesignated as Subpart C]

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

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

[Subpart Redesignated as Subpart A]

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

[Subpart Redesignated as Subpart B and Amended]

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

Subpart B—Administrative Requirements

[Subpart Redesignated as Subpart C]

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

[Subpart Redesignated as Subpart D and Amended]

■ 59. Redesignate ''Subpart—Undersized Prune Regulation'' as subpart D and revise the heading to read as follows:

Subpart D—Undersized Prune Requirements

[Subpart Redesignated as Subpart E]

■ 60. Redesignate ''Subpart—Pack Specification as to Size'' as ''Subpart E—Pack Specification as to Size''.

[Subpart Redesignated as Subpart F and Amended]

■ 61. Redesignate ''Subpart—Grade Regulations'' as subpart F and revise the heading to read as follows:

Subpart F—Grade Requirements

Dated: March 30, 2018.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2018–06882 Filed 4–5–18; 8:45 am]

BILLING CODE 3410–02–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 741

RIN 3133–AE77

Requirements for Insurance; National Credit Union Share Insurance Fund Equity Distributions; Correction

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule; correcting amendment.

SUMMARY: On February 23, 2018, the NCUA Board (Board) published a final rule adopting amendments to its share insurance requirements rule to provide stakeholders with greater transparency regarding the calculation of each eligible financial institution's pro rata share of a declared equity distribution from the National Credit Union Share Insurance Fund (NCUSIF). A clerical error appeared that resulted in an incorrect amendatory instruction. This document corrects that error.

DATES: This correction is effective April 6, 2018.

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

SUPPLEMENTARY INFORMATION: On February 23, 2018, at 83 FR 7954, the Board published a final rule adopting amendments to 12 CFR part 741. Amendatory instruction 2.a.iv. called for revising the definition of ''equity ratio'' in § 741.4. However, the final rule did not set out regulatory text for the revised definition of ''equity ratio.'' This was an inadvertent drafting error. This document corrects that error by amending the final rule to supply a revised definition for ''equity ratio.''

List of Subjects in 12 CFR Part 741

Bank deposit insurance, Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on April 2, 2018.

Gerard Poliquin,

Secretary of the Board.

For the reasons discussed above, the Board amends 12 CFR part 741 as follows:

PART 741—REQUIREMENTS FOR INSURANCE

■ 1. The authority citation for part 741 continues to read as follows:

Authority: 12 U.S.C. 1757, 1766(a), 1781–1790, and 1790d; 31 U.S.C. 3717.

■ 2. Amend § 741.4 in paragraph (b), by revising the definition of ''equity ratio'' to read as follows:

§ 741.4 Insurance premium and one percent deposit.

* * * * *

(b) * * *

* * * * *

Equity ratio means the ratio of:

(i) The amount determined by subtracting—

(A) Direct liabilities of the NCUSIF and contingent liabilities for which no provision for losses has been made from

(B) The sum of all one percent deposits made by federally insured credit unions pursuant to paragraph (c) of this section and the retained earnings balance of the NCUSIF, to

(ii) The aggregate amount of insured shares in all federally insured credit unions.

* * * * *

[FR Doc. 2018–07068 Filed 4–5–18; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0668; Product Identifier 2017–NE–17–AD; Amendment 39–19236; AD 2018–07–05]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all General Electric Company (GE) CF6–80A, –80A1, –80A2, and –80A3 turbofan engines. This AD was prompted by high cycle fatigue (HCF) cracking of the low-pressure turbine (LPT) stage 3 nozzles. This AD requires replacement of the LPT stage 3 nozzles, part numbers (P/Ns) 9290M52P05 and 9290M52P06, installed. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 11, 2018.

ADDRESSES: For service information identified in this final rule, contact General Electric Company, GE-Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: 513–552–3272; fax: 513–552–3329; email: *geae.aoc@ge.com.* You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0668.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0668; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is Docket Operations, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Herman Mak, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7147; fax: 781–238–7199; email: *herman.mak@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all GE CF6–80A, –80A1, –80A2, and –80A3 turbofan engines. The NPRM published in the **Federal Register** on September 12, 2017 (82 FR 42752) and an NPRM correction published on September 21, 2017 (82 FR 44127). The NPRM was prompted by an LPT uncontainment on a GE CF6–80A2 engine. An investigation determined the uncontainment was the result of HCF cracking of the LPT stage 3 nozzles. The NPRM proposed to require replacement of the LPT stage 3 nozzles. We are

issuing this AD to address the unsafe condition on these products.

Comments

We gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Change the Parts Eligible for Installation

The Boeing Company (Boeing) requested that we reference GE CF6–80A Service Bulletin (SB) 72–0749, Revision 2, dated August 31, 2016, for parts that are eligible for installation. They justified this is necessary to ensure that the correct parts are used.

We disagree. It is possible to have parts that are eligible for installation that are not listed in GE SB 72–0749. Listing eligible parts in an AD is not necessary to address the unsafe condition. We did not change this AD.

Request To Change Compliance Time

Atlas Air requested we change the compliance time to the engine's next shop visit instead of a calendar driven date requirement. Atlas Air stated that HCF cracking of the LPT stage 3 nozzles is not environmentally induced. Therefore, a calendar driven date compliance time requirement is not needed to maintain a safe condition for the engine and airplane.

We agree. We adjusted the compliance time in the AD to allow for compliance at the engine's next shop visit or within the next 36 months, after the effective date of this AD, whichever occurs later.

Supportive Comments

The Air Line Pilots Association International expressed support for this AD.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information

We reviewed GE CF6–80A SB 72–0749, Revision 2, dated August 31, 2016. The SB describes procedures for replacement of the LPT stage 3 nozzles.

Costs of Compliance

We estimate that this AD affects seven engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement of LPT stage 3 nozzles	0 work-hours × $85 per hour = $0	$368,260	$368,260	$2,577,820

Authority for This Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–07–05 General Electric Company: Amendment 39–19236; Docket No. FAA–2017–0668; Product Identifier 2017–NE–17–AD.

(a) Effective Date

This AD is effective May 11, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric (GE) CF6–80A, –80A1, –80A2, and –80A3 turbofan engines with low-pressure turbine (LPT) stage 3 nozzles, part numbers (P/Ns) 9290M52P05 and 9290M52P06, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by high cycle fatigue (HCF) cracking of the LPT stage 3 nozzles resulting in LPT uncontainment. We are issuing this AD to prevent cracking of the LPT stage 3 nozzles. The unsafe condition, if not addressed, could result in LPT uncontainment, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

Within 36 months or during the next engine shop visit after the effective date of this AD, whichever occurs later, replace LPT stage 3 nozzles, P/Ns 9290M52P05 and 9290M52P06, with a part eligible for installation.

(h) Definition

(1) For the purpose of this AD, an engine shop visit is defined as the induction of an engine into the shop for maintenance involving the separation of any major mating engine flanges. The separation of engine flanges is not considered an engine shop visit for the following purposes:

(i) Transportation of an engine not attached to an aircraft without subsequent engine maintenance.

(ii) Removing the turbine rear frame (TRF) for repair of TRF cracking.

(iii) Removing the top or bottom high-pressure compressor (HPC) case for HPC airfoil maintenance.

(iv) Removing only the accessory gearbox and/or transfer gearbox.

(2) Reserved.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ECO Branch, send it to the attention of the person identified in paragraph (j) of this AD. You may email your request to: *ANE-AD-AMOC@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local Flight Standards District Office/Certificate Holding District Office.

(j) Related Information

For more information about this AD, contact Herman Mak, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7147; fax: 781–238–7199; email: *herman.mak@faa.gov.*

(k) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on March 29, 2018.

Robert Ganley,

Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2018–06738 Filed 4–5–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0268; Product Identifier 2017–NM–096–AD; Amendment 39–19242; AD 2018–07–11]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Fokker Services B.V. Model F28 Mark 0100 airplanes. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition on these products, and doing the actions specified in those instructions. This AD was prompted by interference between certain passenger service unit (PSU) panels, when in the deployed/open position, and the nearby emergency exit door cover. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective April 23, 2018.

We must receive comments on this AD by May 21, 2018.

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

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

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0268; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3226.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0113, dated June 28, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Fokker Services B.V. Model F28 Mark 0100 airplanes. The MCAI states:

> A report was received of an occurrence involving interference between certain Passenger Service Unit (PSU) panels, Part Number (P/N) A546011–501 and P/N A546011–503, when in the deployed/open position, and the nearby emergency exit door cover.
>
> This condition, if not detected and corrected, could prevent a complete opening of the overwing emergency exit door, possibly obstructing the evacuation of occupants in case of an emergency landing.
>
> To address this potential unsafe condition, Fokker Services published Service Bulletin (SB) SBF100–25–131 (hereafter referred to as 'the SB' in this AD) to provide inspection instructions.
>
> For the reasons described above, this [EASA] AD requires a one-time inspection to verify that the overwing emergency exit doors can be fully operated with the PSU-panels in the deployed/opened position and, depending on findings, accomplishment of applicable corrective action(s). This [EASA] AD also requires the reporting of findings.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0268.

FAA's Determination and Requirements of This AD

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

FAA's Determination of the Effective Date

Since there are currently no domestic operators of this product, we find good cause that notice and opportunity for prior public comment are unnecessary. In addition, for the reasons stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0268; Product Identifier 2017–NM–096–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD based on those comments.

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

Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition, and doing the actions specified in those instructions. Based on the actions specified in the MCAI AD, we are providing the following cost estimates for an affected airplane that is placed on the U.S. Register in the future:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product
Inspection	1 work-hour × $85 per hour = $85	$0	$85
Reporting	1 work-hour × $85 per hour = $85	0	85

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–07–11 Fokker Services B.V.: Amendment 39–19242; Docket No. FAA–2018–0268; Product Identifier 2017–NM–096–AD.

(a) Effective Date

This AD becomes effective April 23, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Fokker Services B.V. Model F28 Mark 0100 airplanes, certificated in any category, serial numbers 11359, 11361, 11367, 11397, 11404, 11446, 11456, 11460, 11468, 11483, 11490, 11499, 11502, 11515 and 11520.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Reason

This AD was prompted by a report of interference between certain passenger service unit (PSU) panels, when in the deployed/open position, and the nearby emergency exit door cover. We are issuing this AD to detect and correct interference between certain PSU panels and the nearby emergency exit door cover, which could prevent a complete opening of the overwing emergency exit door, and possibly obstruct the evacuation of occupants in case of an emergency landing.

(f) Compliance

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

(g) Required Actions

Within 30 days after the effective date of this AD, request instructions from the Manager, International Section, Transport Standards Branch, FAA, to address the unsafe condition specified in paragraph (e) of this AD; and accomplish the actions at the times specified in, and in accordance with, those instructions. Guidance can be found in Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) AD 2017–0113, dated June 28, 2017.

(h) Alternative Methods of Compliance (AMOCs)

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

(i) Related Information

(1) Refer to MCAI EASA AD 2017–0113, dated June 28, 2017, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0268.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3226.

(j) Material Incorporated by Reference

None.

Issued in Des Moines, Washington, on March 22, 2018.

Michael Kaszicki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–06822 Filed 4–5–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0953; Airspace Docket No. 17–AEA–15]

Amendment of Class E Airspace; Massena, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, withdrawal.

SUMMARY: This action withdraws the final rule published in the **Federal Register** on March 15, 2018. In that action, the FAA amended Class E surface airspace and Class E airspace extending upward from 700 feet above the surface at Massena, NY. The FAA has determined that withdrawal of the final rule is warranted since there has been a change in the date for the decommissioning of the Massena collocated VHF omnidirectional range tactical air navigation (VORTAC).

DATES: Effective 0901 UTC, April 6, 2018.

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

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** for Docket No. FAA–2017–0953 (83 FR 11407, March 15, 2018) amending Title 14 Code of Federal Regulations (14 CFR) part 71 amending Class E Airspace at Massena International-Richards Field Airport, Massena, NY. The FAA found that the Massena collocated VORTAC navigation aid will not be decommissioned at this time. As a result, the final rule is being withdrawn.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Withdrawal

■ In consideration of the foregoing, the final rule for Docket No. FAA–2017–0953 (83 FR 11407, March 15, 2018), FR Doc. 2018–05045, is hereby withdrawn.

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

Issued in College Park, Georgia, on March 29, 2018.

Geoff Lelliott,

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

[FR Doc. 2018–06997 Filed 4–5–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2016–0007; T.D. TTB–150; Ref: Notice No. 161]

RIN 1513–AC26

Establishment of the Cape May Peninsula Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) establishes the approximately 126,635-acre ''Cape May Peninsula'' viticultural area in Cape May and Cumberland Counties, New Jersey. The viticultural area lies entirely within the established Outer Coastal Plain viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

DATES: This final rule is effective May 7, 2018.

FOR FURTHER INFORMATION CONTACT: Kate M. Bresnahan, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone (202) 453–1039, ext. 151.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the

Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01, dated December 10, 2013 (superseding Treasury Order 120–01, dated January 24, 2003), to the TTB Administrator to perform the functions and duties in the administration and enforcement of these laws.

Part 4 of the TTB regulations (27 CFR part 4) authorizes the establishment of definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission to TTB of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA boundary;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Cape May Peninsula Petition

TTB received a petition from Alfred Natali, owner of Natali Vineyards, LLC, on behalf of the ad hoc Cape May Wine Growers Association, proposing the establishment of the ''Cape May Peninsula'' AVA in Cape May and Cumberland Counties, New Jersey. The proposed Cape May Peninsula AVA is located entirely within the established Outer Coastal Plain AVA (27 CFR 9.207) and covers approximately 126,635 acres. There are 6 commercially-producing vineyards covering a total of approximately 115 acres distributed throughout the proposed AVA, and an additional 147 acres planned within the proposed AVA in the next few years.

The petition states that the proposed Cape May Peninsula AVA is bordered entirely by water and the New Jersey Pinelands (hereafter referred to as ''the Pinelands''). Most of the proposed AVA is surrounded by the Atlantic Ocean and coastal communities that are less suitable for viticulture due to urban development and marshy conditions to the east, the Delaware Bay to the south and west, and smaller marshes, creeks, and streams in certain areas to the north and west. The remaining area to the immediate northwest of the proposed AVA is a section of the Pinelands that acts as a large transition zone between the proposed Cape May Peninsula AVA and the rest of the Outer Coastal Plain AVA.

According to the petition, the distinguishing features of the proposed AVA are its temperature and soils, with temperature being the most important distinguishing feature. The petition included information on growing degree days (GDD) from inside and outside of the proposed AVA. The petition states that the proposed Cape May Peninsula AVA is a Winkler Region III (3,001 to 3,500 GDDs), and the area northwest of the proposed AVA is a Winkler Region IV (3,501 to 4,000 GDDs). The petition also notes that the proposed AVA and its surrounding areas differ in terms of their extreme temperatures. The petition states that the average summertime high temperature in the proposed AVA is lower than that of the area to its northwest. The average wintertime low temperatures in the proposed AVA are higher than the wintertime low temperatures northwest of the proposed AVA. Another indicator of the climate difference between the proposed AVA and the area to its northwest is the number of frost-free days. The petition provides data showing that the proposed AVA has more frost-free days, and thus a longer growing season, than the area northwest of the proposed AVA.

With regard to the soils, according to the petition, well-drained soils within the proposed AVA include Downer, Evesboro, Sassafras, Fort Mott, Hooksan, Swainton, and Aura. All of these soils are present in the proposed AVA and in the surrounding areas; however, the surrounding areas also contain additional soils not found in the proposed AVA, including Hammonton, Waterford, Galetown, and Metapeake.

Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 161 in the **Federal Register** on September 8, 2016 (81 FR 62047), proposing to establish the Cape May Peninsula AVA. In the notice, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing features for the proposed AVA. The notice also compared the distinguishing features of the proposed AVA to the surrounding areas. For a detailed description of the evidence relating to the name, boundary, and distinguishing features of the proposed AVA, and for a detailed comparison of the distinguishing features of the proposed AVA to the surrounding areas, see Notice No. 161.

In Notice No. 161, TTB solicited comments on the accuracy of the name, boundary, and other required information submitted in support of the petition. In addition, given the proposed Cape May Peninsula AVA's location within the existing Outer Coastal Plain AVA, TTB solicited comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed AVA sufficiently differentiates it from the existing Outer Coastal Plain AVA. Finally, TTB requested comments on whether the geographic features of the proposed AVA are so distinguishable from the surrounding Outer Coastal Plain AVA that the proposed Cape May Peninsula AVA should no longer be part of the established AVA. The comment period closed November 7, 2016.

Comment Received

In response to Notice No. 161, TTB received one comment. Jim Quarella, President, Board of Directors, Outer Coastal Plain Vineyard Association (OCPVA) submitted the comment on behalf of the OCPVA. The OCPVA comment supported the establishment of the Cape May Peninsula AVA, noting that, as stated in the petition for the Cape May Peninsula AVA, climate is the main distinguishing feature of the proposed AVA. According to OCPVA, this is largely the result of the maritime effects of the Atlantic Ocean and Delaware Bay. Specifically, the comment states that, while the Outer Coastal Plain AVA benefits from the effects of these bodies of water in moderating temperature, these largely beneficial effects are even greater in the proposed Cape May Peninsula AVA, as it is closer to both bodies of water than the rest of the Outer Coastal Plain AVA.

While the OCPVA comment was submitted in support, it did identify several statements in the Cape May Peninsula AVA petition regarding the climate and soil of the Outer Coastal Plain that the OCPVA believes are inaccurate. TTB notes that the OCPVA comment did not recommend any changes to the proposed Cape May Peninsula boundary, nor did it suggest that the proposed AVA is so distinct that it should no longer be a part of the established AVA.

The OCPVA comment is summarized as follows:

Crop-Growing in the New Jersey Pinelands

According to the OCPVA comment, the Cape May Peninsula AVA petition incorrectly states that acid-loving blueberries and cranberries are the only serious commercial crops in the Pinelands due to the acidity of the soils. The OCPVA comment states that more than a dozen vineyards in the Pinelands produce wine grapes commercially within the Outer Coastal Plain AVA. The OCPVA also points out that the proposed Cape May Peninsula AVA contains areas unsuitable for growing wine grapes, such as the cranberry bogs along the northwestern edge of the proposed AVA.

TTB recognizes that there are regions of the Pinelands where the soils are less acidic, more fertile, and more suitable for viticulture. In fact, the proposed Cape May Peninsula AVA petition notes that the soils within the Pinelands generally become more fertile and less acidic as one moves from east to west through the region. TTB believes that soil acidity is still a relevant means of drawing a general distinction between the proposed AVA and the Pinelands region of the Outer Coastal Plain AVA.

Vitis Vinifera in the Outer Coastal Plain AVA

According to the OCPVA comment, the Cape May Peninsula AVA petition is incorrect in stating that, while 90 percent of the grapes grown in the proposed AVA are *Vitis vinifera,* hybrid and native grapes are grown in the rest of the Outer Coastal Plain AVA. The OCPVA comment states that some vineyards in the Outer Coastal Plain AVA, but outside of the proposed AVA, produce *Vitis vinifera,* and that all vineyards within the Outer Coastal Plain AVA could produce 100 percent *Vitis vinifera* if they chose to do so. The OCPVA comment added that a more accurate statement would be that ''there may be some specific varieties of [*Vitis*] *vinifera* that the [proposed AVA] may be able to grow more sustainably than other regions of the Outer Coastal Plain.''

TTB does not disagree with the commenter's point that the Outer Coastal Plain AVA vineyard owners may be planting hybrid and native grape varietals rather than *Vitis vinifera* as a matter of choice. TTB also agrees that some specific varietals of grapes may be more suitable for growing in the proposed AVA than in other regions of the Outer Coastal Plain AVA. However, TTB notes that it appears that vineyard owners within the proposed AVA are making different planting choices than vineyard owners in other regions of the Outer Coastal Plain AVA, and that the different growing conditions in the proposed AVA are likely influencing those choices. These points do not undermine the basis for the proposed boundaries of the Cape May Peninsula AVA.

Temperature

With respect to the Cape May Peninsula petition's climate discussion, the OCVPA comment first questions the petition's reliance on climate data from a single location in the town of Millville to represent the entirety of the Outer Coastal Plain AVA that is outside of the proposed AVA. Noting that the Winkler climate region system was designed for use in California, the comment also asserts that the petition's use of Winkler regions to describe the climate of grape-growing regions in New Jersey is not as useful as using growing degree days (GDDs) or average growing season temperatures. The comment then generally asserts that the climates of both the proposed AVA and the remainder of the Outer Coastal Plain AVA are not as uniform as the petition claims. Specifically, the OCVPA comment states that portions of the proposed Cape May Peninsula AVA and portions of the Outer Coastal Plain AVA outside the proposed AVA are in the same Winkler region, have similar growing season lengths as determined by the number of frost-free days, and have similarly high extreme low temperatures.

While TTB recognizes that information from a single location cannot be understood to represent all of the area of an AVA, TTB also believes that data from regions in close proximity to proposed AVA borders can be informative. The town of Millville is located within the Outer Coastal Plain AVA just outside the boundary of the proposed Cape May Peninsula AVA. TTB believes that using climate data from Millville is appropriate to distinguish the proposed Cape May Peninsula AVA from the region of the Outer Coastal Plain that is immediately outside the proposed AVA's boundaries. TTB also notes that although the Winkler regions system was created for use in California,[1] the system is based on GDDs and is a useful method for comparing the general climates of grape-growing regions.[2] Furthermore, TTB notes that in addition to the Winkler region data, the proposed Cape May Peninsula AVA petition included GDD and average summer temperature data for both the proposed AVA and the portion of the Outer Coastal Plain AVA outside the proposed AVA.

While TTB notes it is not inconsistent with the requirements of part 9 of its regulations for an AVA to have some variations in its climate, the data provided in the OCPVA comment does suggest that the climate in the remainder of the Outer Coastal Plain AVA may not be as uniformly cooler than portions within the proposed AVA as the petition claimed. However, TTB believes that the data in the petition and in the OCPVA comment demonstrate that the proposed Cape May Peninsula AVA has a climate that is moderated by its proximity to large bodies of water to a greater extent than the overall Outer Coastal Plain AVA and is thus distinguishable from the overall climate of the Outer Coastal Plain AVA.

Soils

The OCPVA comment raises issues with the petition's description of the soils in the proposed Cape May

[1] A.J. Winkler et al., General Viticulture 60–71 (2nd. Ed. 1974).

[2] A.J. Winkler et al., General Viticulture 60–61 (2nd. Ed. 1974).

Peninsula AVA and the Outer Coastal Plain AVA. The comment states that the proposed Cape May Peninsula AVA and the rest of the Outer Coastal Plain AVA both have areas of loamy sand and sandy loam soils and, in some places, even share some of the same soil types, including Sassafras sandy loam. The comment adds that the difference between loamy sands and sandy loams does not mean that one soil type is well-drained and the other is not. Finally, the OCPVA notes that over two-thirds of the area within the Outer Coastal Plain AVA has been identified by a Rutgers University study as moderately suitable or most suitable for grape growing based on soil drainage and arable soil.

TTB notes that while the Outer Coastal Plain AVA and the proposed Cape May Peninsula AVA may contain similar soils in places, the petition for the proposed AVA also states that the Outer Coastal Plain AVA contains soils not found in the proposed AVA. Therefore, TTB believes that soils sufficiently distinguish the proposed AVA from the remainder of the Outer Coastal Plain AVA.

TTB Determination

After careful review of the petition and the comment received in response to Notice No. 161, TTB finds that the evidence provided by the petitioner supports the establishment of the Cape May Peninsula AVA. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and parts 4 and 9 of the TTB regulations, TTB establishes the ''Cape May Peninsula'' AVA in Cape May and Cumberland counties, New Jersey, effective 30 days from the publication date of this document.

TTB has also determined that the Cape May Peninsula AVA will remain part of the established Outer Coastal Plain AVA. As discussed in Notice No. 161, the surface layers of the Cape May Peninsula AVA and Outer Coastal Plain AVA are composed of sand, gravel, clay-based silt, and peat. Additionally, both the Outer Coastal Plain AVA and the Cape May Peninsula AVA have low elevations, soils with low amounts of fine silt, and longer growing seasons than the region of the State that is outside the Outer Coastal Plain AVA. However, due to its smaller size, the Cape May Peninsula AVA generally has less variability in soil types and climate than the larger AVA. The climate of the Cape May Peninsula AVA also benefits from being located in closer proximity to the Atlantic Ocean and the Delaware Bay than the remainder of the Outer Coastal Plain AVA. Specifically, the Cape May Peninsula AVA generally has higher growing degree day totals, a smaller range of frost-free days, and extreme high and low temperatures that are higher than the extreme temperatures of the Outer Coastal Plain AVA. While the distinguishing features of the proposed AVA and the Outer Coastal Plain AVA differ somewhat due to the marine influence of the Atlantic Ocean and the Delaware Bay, the two AVAs are still similar enough that the Cape May Peninsula AVA should remain within the Outer Coastal Plain AVA.

The establishment of the Cape May Peninsula AVA within the Outer Coastal Plain AVA is not an endorsement from TTB of the Cape May Peninsula AVA, nor is it an endorsement of the quality of the grapes or wine from the Cape May Peninsula AVA. TTB establishes AVAs within AVAs to show that the grape-growing conditions within larger AVAs can vary due to sometimes slight differences in temperature, precipitation, marine influence, soils, or other distinguishing features. The establishment of an AVA within a larger AVA allows vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

Boundary Description

See the narrative description of the boundary of the Cape May Peninsula AVA in the regulatory text published at the end of this final rule.

Maps

The petitioner provided the required maps, and they are listed below in the regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name or with a brand name that includes an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

With the establishment of this AVA, its name, ''Cape May Peninsula,'' will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the regulation clarifies this point. Consequently, wine bottlers using the name ''Cape May Peninsula'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the AVA name as an appellation of origin. TTB is not designating ''Cape May,'' standing alone, as a term of viticultural significance due to the current use of ''Cape May,'' standing alone, as a brand name on a wine label.

The establishment of the Cape May Peninsula AVA will not affect any existing AVA, and any bottlers using ''Outer Coastal Plain'' as an appellation of origin or in a brand name for wines made from grapes grown within the Outer Coastal Plain AVA will not be affected by the establishment of this new AVA. The establishment of the Cape May Peninsula AVA will allow vintners to use ''Cape May Peninsula'' and ''Outer Coastal Plain'' as appellations of origin for wines made primarily from grapes grown within the Cape May Peninsula AVA if the wines meet the eligibility requirements for the appellation.

Regulatory Flexibility Act

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Kate M. Bresnahan of the Regulations and Rulings Division drafted this final rule.

List of Subjects in 27 CFR Part 9

Wine.

The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Subpart C is amended by adding § 9.262 to read as follows:

§ 9.262 Cape May Peninsula.

(a) *Name.* The name of the viticultural area described in this section is ''Cape May Peninsula''. For purposes of part 4 of this chapter, ''Cape May Peninsula'' is a term of viticultural significance.

(b) *Approved maps.* The 11 United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Cape May Peninsula viticultural area are titled:

(1) Ocean City, New Jersey, 1989;

(2) Marmora, New Jersey, 1989;

(3) Sea Isle City, New Jersey, 1952; photorevised, 1972;

(4) Woodbine, New Jersey, 1958; photorevised, 1972;

(5) Stone Harbor, New Jersey, 1955; photorevised, 1972;

(6) Wildwood, New Jersey, 1955; photorevised, 1972;

(7) Cape May, New Jersey, 1954; photorevised, 1972;

(8) Rio Grande, New Jersey, 1956; photorevised, 1972;

(9) Heislerville, New Jersey, 1957; photorevised, 1972;

(10) Port Elizabeth, New Jersey, 1956; photorevised, 1972; and

(11) Tuckahoe, New Jersey, 1956; photorevised, 1972.

(c) *Boundary.* The Cape May Peninsula viticultural area is located in Cape May and Cumberland Counties, New Jersey. The boundary of the Cape May Peninsula viticultural area is as described below:

(1) The beginning point is on the Ocean City quadrangle at the intersection of the 10-foot elevation contour and the Garden State Parkway, on the southern shore of Great Egg Harbor, northwest of Golders Point. Proceed southeast, then generally southwest along the meandering 10-foot elevation contour, crossing onto the Marmora quadrangle, then onto the Sea Isle City quadrangle, to the intersection of the 10-foot elevation contour with an unnamed road known locally as Sea Isle Boulevard; then

(2) Proceed northwesterly along Sea Isle Boulevard to the intersection of the road with U.S. Highway 9; then

(3) Proceed southwesterly along U.S. Highway 9 to the intersection of the highway with the 10-foot elevation contour south of Magnolia Lake; then

(4) Proceed generally southwesterly along the meandering 10-foot elevation contour, crossing onto the Woodbine quadrangle, then briefly back onto the Sea Isle City quadrangle, then back onto the Woodbine quadrangle, to the intersection of the 10-foot elevation contour with the western span of the Garden State Parkway east of Clermont; then

(5) Proceed southwest along the Garden State Parkway to the intersection of the road with Uncle Aarons Creek; then

(6) Proceed westerly (upstream) along Uncle Aarons Creek to the intersection of the creek with the 10-foot elevation contour near the headwaters of the creek; then

(7) Proceed easterly, then southwesterly along the 10-foot elevation contour, crossing onto the Stone Harbor quadrangle, then onto the northwesternmost corner of the Wildwood quadrangle, then onto Cape May quadrangle, to the intersection of the 10-foot elevation contour with State Route 109 and Benchmark (BM) 8, east of Cold Spring; then

(8) Proceed southeast, then south, along State Route 109 to the intersection of the road with the north bank of the Cape May Canal; then

(9) Proceed northwest along the north bank of the Cape May Canal to the intersection of the canal with the railroad tracks (Pennsylvania Reading Seashore Lines); then

(10) Proceed south along the railroad tracks, crossing the canal, to the intersection of the railroad tracks with the south bank of the Cape May Canal; then

(11) Proceed east along the canal bank to the intersection of the canal with Cape Island Creek; then

(12) Proceed south, then northwest along the creek to the intersection of the creek with a tributary running north-south west of an unnamed road known locally as 1st Avenue; then

(13) Proceed north along the tributary to its intersection with Sunset Boulevard; then

(14) Proceed northwest along Sunset Boulevard to the intersection of the road with Benchmark (BM) 6; then

(15) Proceed south in a straight line to the shoreline; then

(16) Proceed west, then northwest, then northeast along the shoreline, rounding Cape May Point, and continuing northeasterly along the shoreline, crossing onto the Rio Grande quadrangle, then onto the Heislerville quadrangle, to the intersection of the shoreline with West Creek; then

(17) Proceed generally north along the meandering West Creek, passing through Pickle Factory Pond and Hands Millpond, and continuing along West Creek, crossing onto the Port Elizabeth quadrangle, and continuing along West Creek to the fork in the creek north of Wrights Crossway Road; then

(18) Proceed along the eastern fork of West Creek to the cranberry bog; then

(19) Proceed through the cranberry bog and continue northeasterly along the branch of West Creek that exits the cranberry bog to the creek's terminus south of an unnamed road known locally as Joe Mason Road; then

(20) Proceed northeast in a straight line to Tarkiln Brook Tributary; then

(21) Proceed easterly along Tarkiln Brook Tributary, passing through the cranberry bog, crossing onto the Tuckahoe quadrangle, and continuing along Tarkiln Brook tributary to its intersection with the Tuckahoe River and the Atlantic-Cape May County line; then

(22) Proceed easterly along the Atlantic-Cape May County line, crossing onto the Marmora and Cape May quadrangles, to the intersection of the Atlantic-Cape May County line with the Garden State Parkway on the Cape May quadrangle; then

(23) Proceed south along the Garden State Parkway, returning to the beginning point.

Signed: October 30, 2017.

John J. Manfreda,

Administrator.

Approved: March 30, 2018

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2018–07094 Filed 4–5–18; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF JUSTICE

28 CFR Part 16

[CPCLO Order No. 001–2018]

Privacy Act of 1974; Implementation

AGENCY: Federal Bureau of Investigation, United States Department of Justice.

ACTION: Final rule.

SUMMARY: The Federal Bureau of Investigation (FBI), a component of the

United States Department of Justice (DOJ or Department), is finalizing without change its Privacy Act exemption regulations for the system of records titled, ''FBI Online Collaboration Systems,'' JUSTICE/FBI–004, which were published as Notice of Proposed Rulemaking (NPRM) on December 4, 2017. Specifically, the FBI exempts the records maintained in JUSTICE/FBI–004 from one or more provisions of the Privacy Act. The exemptions are necessary to avoid interference with the FBI's law enforcement and national security functions and responsibilities. The Department received only one substantive comment on the proposed rule.

DATES: This final rule is effective May 7, 2018.

FOR FURTHER INFORMATION CONTACT: Katherine M. Bond, Assistant General Counsel, Privacy and Civil Liberties Unit, Office of the General Counsel, FBI, Washington DC, telephone 202–324–3000.

SUPPLEMENTARY INFORMATION:

Background

On December 4, 2017, the FBI published in the **Federal Register** a System of Records Notice (SORN) for an FBI system of records titled, ''FBI Online Collaboration Systems,'' JUSTICE/FBI–004, 82 FR 57291. On the same day, the FBI published a Notice of Proposed Rulemaking (NPRM) proposing to exempt records maintained in JUSTICE/FBI–004 from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(j) and (k), and inviting public comment on the proposed exemptions. 82 FR 57181. The comment period was open through January 3, 2018. DOJ received only one substantive comment responsive to the proposed exemptions. That comment supported the proposed exemptions in order to protect the safety of law enforcement officers and better enable them to conduct their investigations. After consideration of this public comment, exemptions necessary to protect the ability of the FBI properly to engage in its law enforcement and national security functions have been codified in this final rule as proposed in the NPRM.

Response to Public Comments

In its Online Collaboration Systems NPRM and SORN, both published on December 4, 2017, the Department invited public comment. The comment periods for both documents closed January 3, 2018. The Department received six total comments, only one of which contained any substance related to the SORN or NPRM. The one responsive comment received stated that the submitter agreed the exemptions proposed in the NPRM are needed for effective law enforcement. The FBI has considered, and agrees with, this comment. Because no other responsive comments were submitted, and because the FBI continues to assert the rationales in support of the exemptions as stated in the NPRM, the FBI adopts in this final rule the exemptions and rationales proposed in the NPRM.

Executive Orders 12866 and 13563—Regulatory Review

This regulation has been drafted and reviewed in accordance with Executive Order 12866, ''Regulatory Planning and Review'' section 1(b), Principles of Regulation, and Executive Order 13563 ''Improving Regulation and Regulatory Review'' section 1(b), General Principles of Regulation.

The Department of Justice has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866, section 3(f), and accordingly this rule has not been reviewed by the Office of Information and Regulatory Affairs within the Office of Management and Budget pursuant to Executive Order 12866.

Regulatory Flexibility Act

This rule will only impact Privacy Act-protected records, which are personal and generally do not apply to an individual's entrepreneurial capacity, subject to limited exceptions. Accordingly, the Chief Privacy and Civil Liberties Officer, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

Executive Order 13132—Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988—Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction..

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

This rule will have no implications for Indian Tribal governments. More specifically, it does not have substantial direct effects 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. Therefore, the consultation requirements of Executive Order 13175 do not apply.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000, as adjusted for inflation, or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This rule is not a major rule as defined by 5 U.S.C. 804 of the Congressional Review Act.

Paperwork Reduction Act

This rule imposes no information collection or recordkeeping requirements.

List of Subjects in 28 CFR Part 16

Administrative practice and procedure, Courts, Freedom of information, Privacy Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order 2940–2008, 28 CFR part 16 is amended as follows:

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

■ 1. The authority citation for part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 553; 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717.

Subpart E—Exemption of Records Systems Under the Privacy Act

■ 2. Amend § 16.96 by adding paragraphs (x) and (y) to read as follows:

§ 16.96 Exemption of Federal Bureau of Investigation Systems-limited access.

* * * * *

(x) The following system of records is exempt from 5 U.S.C. 552a(c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1), (2), (3), (4)(G), (H), and (I), (5), and (8); (f); and (g):

(1) The FBI Online Collaboration Systems (JUSTICE/FBI–004).

(2) These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j) or (k). Where the FBI determines compliance with an exempted provision would not appear to interfere with or adversely affect interests of the United States or other system stakeholders, the FBI in its sole discretion may waive an exemption in whole or in part; exercise of this discretionary waiver prerogative in a particular matter shall not create any entitlement to or expectation of waiver in that matter or any other matter. As a condition of discretionary waiver, the FBI in its sole discretion may impose any restrictions deemed advisable by the FBI (including, but not limited to, restrictions on the location, manner, or scope of notice, access or amendment).

(y) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3), the requirement that an accounting be made available to the named subject of a record, because this system is exempt from the access provisions of subsection (d). Also, because making available to a record subject the accounting of disclosures from records concerning him/her would specifically reveal any law enforcement or national security investigative interest in the individual by the FBI or agencies that are recipients of the disclosures. Revealing this information could compromise ongoing, authorized law enforcement and intelligence efforts, particularly efforts to identify and defuse any potential acts of terrorism or other potential violations of criminal law. Revealing this information could also permit the record subject to obtain valuable insight concerning the information obtained during any investigation and to take measures to circumvent the investigation (*e.g.* destroy evidence or flee the area to avoid investigation).

(2) From subsection (c)(4) notification requirements because this system is exempt from the access and amendment provisions of subsection (d) as well as the accounting disclosures provision of subsection (c)(3). The FBI takes seriously its obligation to maintain accurate records despite its assertion of this exemption, and to the extent it, in its sole discretion, agrees to permit amendment or correction of FBI records, it will share that information in appropriate cases.

(3) From subsections (d)(1), (2), (3), and (4); (e)(4)(G) and (H); (e)(8); (f); and (g) because these provisions concern individual access to and amendment of law enforcement and intelligence records and compliance with such provisions could alert the subject of an authorized law enforcement or intelligence activity about that particular activity and the investigative interest of the FBI and/or other law enforcement or intelligence agencies. Providing access rights could compromise sensitive law enforcement information, disclose information that could constitute an unwarranted invasion of another's personal privacy; reveal a sensitive investigative or intelligence technique; provide information that would allow a subject to avoid detection or apprehension; or constitute a potential danger to the health or safety of law enforcement personnel, confidential sources, and witnesses. The FBI takes seriously its obligation to maintain accurate records despite its assertion of this exemption, and to the extent it, in its sole discretion, agrees to permit amendment or correction of FBI records, it will share that information in appropriate cases with subjects of the information.

(4) From subsection (e)(1) because it is not always possible to know in advance what information is relevant and necessary for law enforcement and intelligence purposes. Relevance and necessity are questions of judgment and timing. For example, what appears relevant and necessary when collected ultimately may be deemed unnecessary. It is only after information has been fully assessed that its relevancy and necessity in a specific investigative activity can be determined.

(5) From subsections (e)(2) and (3) because application of these provisions requiring collection directly from the subject individuals and informing individuals regarding information to be collected about them could present a serious impediment to efforts to solve crimes and improve national security. Application of these provisions could put the subject of an investigation on notice of the existence of the investigation and allow the subject an opportunity to engage in conduct intended to obstruct or otherwise impede that activity or take steps to avoid apprehension.

(6) From subsection (e)(4)(I), to the extent that this subsection is interpreted to require more detail regarding the record sources in this system than has already been published in the **Federal Register** through the SORN documentation. Should the subsection be so interpreted, exemption from this provision is necessary to protect the sources of law enforcement and intelligence information and to protect the privacy and safety of witnesses and informants and others who provide information to the FBI.

(7) From subsection (e)(5) because in the collection of information for authorized law enforcement and intelligence purposes it is often impossible to determine in advance what information is accurate, relevant, timely, and complete. With time, additional facts, or analysis, information may acquire new significance. The restrictions imposed by subsection (e)(5) would thus limit the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of criminal intelligence necessary for effective law enforcement. Although the FBI has claimed this exemption, it continuously works with its federal, state, local, tribal, and international partners to maintain the accuracy of records to the greatest extent practicable. The FBI does so with established policies and practices. The criminal justice and national security communities have a strong operational interest in using up-to-date and accurate records and will apply their own procedures and foster relationships with their partners to further this interest.

Dated: April 2, 2018.

Peter A. Winn,

Acting Chief Privacy and Civil Liberties Officer.

[FR Doc. 2018–07056 Filed 4–5–18; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2018–0156]

Special Local Regulation; California Half Ironman Triathlon, Oceanside, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the special local regulations on the waters offshore Oceanside and within Oceanside Harbor, California during the California Half Ironman Triathlon from 6:30 a.m. to 8:40 a.m. on April 7, 2018.

These special local regulations are necessary to provide for the safety of the participants, crew, spectators, sponsor vessels of the triathlon, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from entering into, transiting through, or anchoring within this regulated area unless authorized by the Captain of the Port, or his designated representative.

DATES: The regulations for the marine event listed in 33 CFR 100.1101, Table 1, Item 2, will be enforced from 6:30 a.m. through 8:40 a.m. on April 7, 2018.

FOR FURTHER INFORMATION CONTACT: If you have questions about this publication of enforcement, call or email Lieutenant Junior Grade Briana Biagas, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278–7656, email *D11MarineEventsSD@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations in 33 CFR 100.1101 from 6:30 a.m. through 8:40 a.m. on April 7, 2018 for the California Half Ironman Triathlon in Oceanside, CA. This action is being taken to provide for the safety of life on navigable waterways during the triathlon. Our regulation for recurring marine events in the San Diego Captain of the Port Zone, § 100.1101, specifies the location of the regulated area for this 2 KM loop open water swim is located offshore Oceanside and in Oceanside Harbor. Under the provisions of 33 CFR 100.1101, persons and vessels are prohibited from entering into, transiting through, or anchoring within this regulated area unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This document is issued under authority of 5 U.S.C. 552 (a) and 33 CFR 100.1101. In addition to this document in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners, Broadcast Notice to Mariners, and local advertising by the event sponsor.

If the Captain of the Port Sector San Diego or his designated representative determines that the regulated area need not be enforced for the full duration stated on this document, he or she may use a Broadcast Notice to Mariners or other communications coordinated with the event sponsor to grant general permission to enter the regulated area.

Dated: March 20, 2018.

J.R. Buzzella,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2018–07086 Filed 4–5–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0263]

RIN 1625–AA00

Safety Zone; Pathfinder Bank Fireworks Display; Oswego River, Oswego, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 210-foot radius of the launch site located at 77–79 West First Street, Oswego, NY. This safety zone is intended to restrict vessels from portions of the Oswego River during Pathfinder Bank fireworks display. This temporary safety zone is necessary to protect mariners and vessels from the navigational hazards associated with a fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Buffalo.

DATES: This rule is effective from 5:15 p.m. until 11:15 p.m. on April 7, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0263 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 LT Michael Collet, Chief Waterways Management Division, U.S. Coast Guard; telephone 716–843–9322, email *D09-SMB-SECBuffalo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the event sponsor did not submit notice to the Coast Guard with sufficient time remaining before the event to publish an NPRM. Delaying the effective date of this rule to wait for a comment period to run would be impracticable and contrary to the public interest by inhibiting the Coast Guard's ability to protect spectators and vessels from the hazards associated with a fireworks display.

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** because doing so would be impracticable and contrary to the public interest. Delaying the effective date would be contrary to the rule's objectives of ensuring safety of life on the navigable waters and protection of persons and vessels in vicinity of the 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 Captain of the Port Buffalo (COTP) has determined that a fireworks display presents significant risks to the public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks display takes place.

IV. Discussion of the Rule

This rule establishes a safety zone on April 7, 2018, from 5:15 p.m. until 11:15 p.m. The safety zone will encompass all waters of the Oswego River; Oswego, NY contained within 210-foot radius of: 43°27′34.10″ N, 076°30′39.50″ W.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene

representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the conclusion that this rule is not a significant regulatory action. We anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule establishes a temporary safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0263 to read as follows:

§ 165.T09–0263 Safety Zone; Pathfinder Bank Fireworks Display; Oswego River, Oswego, NY.

(a) *Location.* The safety zone will encompass all waters of the Oswego River; Oswego, NY contained within a 210-foot radius of: 43°27′34.10″ N, 076°30′39.50″ W.

(b) *Enforcement period.* This regulation will be enforced from 5:15 p.m. until 11:15 p.m. on April 7, 2018.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: April 3, 2018.

Kenneth E. Blair,

Commander, U.S. Coast Guard, Acting Captain of the Port Buffalo.

[FR Doc. 2018–07080 Filed 4–5–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2008–0612; FRL–9976–06–Region 9]

Approval of California Air Plan Revisions, Yolo-Solano Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Yolo-Solano Air Quality Management District (YSAQMD or ''District'') portion of the California State Implementation Plan (SIP). This revision concerns the District's demonstration regarding Reasonably Available Control Technology (RACT) requirements for the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). The EPA is also taking final action to approve YSAQMD's negative declarations into the SIP for the 1997 8-hour ozone NAAQS. We are approving local SIP revisions under the Clean Air Act (CAA or the Act).

DATES: This rule will be effective on May 7, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2008–0612. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov/,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Stanley Tong, EPA Region IX, (415) 947–4122, *tong.stanley@epa.gov.*

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

Table of Contents

I. Proposed Action

On January 8, 2018 (83 FR 764), the EPA proposed to approve the following documents submitted by the California Air Resources Board (CARB) into the California SIP.

Local agency	Document	Adopted	Submitted
YSAQMD	Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) (''2006 RACT SIP'').	9/13/2006	1/31/2007
YSAQMD	Adoption of Four Negative Declarations: EPA 450/2–78–029—Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products; EPA 453/R–96–007—Control of Volatile Organic Emissions from Wood Furniture Manufacturing Operations; EPA 450/3–84–015—Control of Volatile Organic Compound Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry; and EPA450/4–91–031—Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations in Synthetic Organic Chemical Manufacturing Industry.	[1] 1/10/2018	2/22/2018

[1] On December 22, 2017, CARB transmitted YSAQMD's public draft version of negative declarations for four Control Techniques Guidelines (CTG) documents along with a request for parallel processing. Under the EPA's parallel processing procedure, the EPA proposes rulemaking action concurrently with the state's proposed rulemaking. If the state's proposed rule is changed, the EPA will evaluate that subsequent change and may publish another notice of proposed rulemaking. If no significant change is made, the EPA will publish a final rulemaking on the rule after responding to any submitted comments. Final rulemaking action by the EPA will occur only after the rule has been fully adopted by California and submitted formally to the EPA for incorporation into the SIP. See 40 CFR part 51, appendix V. The YSAQMD's Governing Board adopted the four negative declarations on January 10, 2018.

We had previously proposed to disapprove YSAQMD's 2006 RACT SIP,[2] but withdrew that proposal [3] because we found that the District has addressed the identified deficiencies by adopting approvable rules that implement RACT and by adopting negative declarations where the District concluded it had no sources subject to RACT recommendations in certain Control Techniques Guidelines (CTG) categories.

Our proposed rule also stated that we would not take final action until CARB submitted the four adopted negative declarations to the EPA as a SIP revision. On January 10, 2018, the YSAQMD held a public hearing and approved the four negative declarations and transmitted the approval package to CARB for adoption and submittal to the EPA. On February 22, 2018, the CARB Executive Officer adopted and submitted to the EPA for approval YSAQMD's negative declarations as a revision to the California SIP, thereby satisfying the prerequisite [4] for final EPA action.

On March 7, 2018, we found the negative declaration submittal met the completeness criteria in 40 CFR part 52, appendix V. Today, we take final action to approve the 2006 RACT SIP submitted on January 31, 2007, and the four negative declarations submitted on February 22, 2018.

For more background information on the 2006 RACT SIP, four negative declarations and our evaluation of them for compliance with CAA requirements, please see our proposed rule and related technical support documents (TSDs).

II. Public Comments

The EPA's proposed action provided a 30-day public comment period. During this period, we received two anonymous comments.[5] The commenters raised issues that are outside of the scope of this rulemaking, including wildfire suppression, high-hazard potential dams, maintenance of dams to reduce chances of dam failure, and climate change. The EPA is required to approve a state submittal if the submittal meets all applicable requirements. 42 U.S.C. 7410(k)(3). The commenters did not raise any specific issues germane to the approvability of the YSAQMD's RACT SIP and negative declarations.

III. EPA Action

No comments were submitted that change our assessment of the SIP submittals as described in our January 8, 2018 proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving YSAQMD's 2006 RACT SIP submitted on January 31, 2007, and four negative declarations submitted on February 22, 2018.

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

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 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 5, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

[2] *See* 73 FR 48166 (August 18, 2008).

[3] *See* 83 FR 764 (January 8, 2018).

[4] As explained in our January 8, 2018 proposed rulemaking, the EPA is following established procedures for parallel processing that allows us to approve a state provision so long as it was adopted as proposed with no significant changes. YSAQMD adopted the four negative declarations, as proposed in its parallel processing request to the EPA, with no changes.

[5] Between 2008–2009, YSAQMD submitted three supplemental documents to partially address issues raised in the EPA's August 18, 2008 proposed action (73 FR 48166). These supplemental documents are filed under ''comments'' in the docket at *https://www.regulations.gov/docket?D=EPA-R09-OAR-2008-0612*. Only two comments were received during the January-February 2018 public comment period.

List of Subjects in 40 CFR Part 52

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

Dated: March 16, 2018.

Alexis Strauss,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(358)(ii)(B) and (c)(501) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(358) * * *

(ii) * * *

(B) Yolo-Solano Air Quality Management District.

(*1*) Reasonably Available Control Technology (RACT) State Implementation Plan (SIP), adopted on September 13, 2006.

* * * * *

(501) The following plan revision was submitted on February 22, 2018 by the Governor's designee.

(i) [Reserved]

(ii) *Additional materials.* (A) Yolo-Solano Air Quality Management District.

(*1*) Adoption of Four Negative Declarations; Resolution No. 18–01 adopted January 10, 2018.

■ 3. Section 52.222 is amended by adding paragraph (a)(14) to read as follows:

§ 52.222 Negative declarations.

(a) * * *

(14) Yolo-Solano Air Quality Management District.

(i) The following negative declarations are for the 1997 8-hour ozone NAAQS.

CTG source category	Negative declaration CTG reference document	Submitted 1/31/07, adopted 9/13/06	Submitted 2/22/18, adopted 1/10/18
Aerospace	EPA–453/R–97–004 Aerospace Manufacturing and Rework Operations	X	
Ships	61 FR 44050 Shipbuilding and Ship Repair	X	
Metal Coil Container and Closure	EPA–450/2–77–008 Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks.	X	
Magnetic Wire	EPA–450/2–77–033 Surface Coating of Insulation of Magnet Wire	X	
Natural Gas/Gasoline Processing Plants, Equipment Leaks.	EPA–450/2–83–007 Equipment Leaks from Natural Gas/Gasoline Processing Plants.	X	
Refineries	EPA–450/2–77–025 Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds.	X	
	EPA–450/2–78–036 VOC Leaks from Petroleum Refinery Equipment	X	
Paper and Fabric	EPA–450/2–77–008 Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks.	X	
Dry Cleaning	EPA–450/3–82–009 Large Petroleum Dry Cleaners	X	
Rubber Tires	EPA–450/2–78–030 Manufacture of Pneumatic Rubber Tires	X	
Large Appliances, Surface Coating	EPA–450/2–77–034 Surface Coating of Large Appliances	X	
Wood Coating	EPA–450/2–78–032 Factory Surface of Flat Wood Paneling	X	
Polyester Resin	EPA–450/3–83–006 Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment.	X	
	EPA–450/3–83–008 Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins.	X	
Pharmaceutical Products	EPA–450/2–78–029—Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products.	.....	X
Wood Furniture Coating	EPA–453/R–96–007—Control of Volatile Organic Emissions from Wood Furniture Manufacturing Operations.	.....	X
Synthetic Organic Chemical	EPA–450/3–84–015—Control of Volatile Organic Compound Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry.	.....	X
	EPA–450/4–91–031—Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations in Synthetic Organic Chemical Manufacturing Industry.	.....	X

(ii) [Reserved]

* * * * *

[FR Doc. 2018–06795 Filed 4–5–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–0AR–2017–0753; FRL–9976–02—Region 8]

Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Revisions to the Transportation Conformity Consultation Process

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a State Implementation Plan (SIP) revision submitted by Colorado on May 16, 2017. The May 16, 2017 SIP revision addresses minor changes and typographical corrections to the transportation conformity requirements of Colorado's Regulation Number 10 ''Criteria for Analysis of Conformity.'' These actions are being taken under section 110 of the Clean Air Act (CAA).

DATES: This rule is effective May 7, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R08–OAR–2017–0753. 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 *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6479, or *russ.tim@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In this action, the EPA is approving minor revisions to Colorado's Regulation Number 10 which is entitled ''Criteria for Analysis of Conformity'' (hereafter, ''Regulation No. 10''). We note the factual background for this action and our evaluation of the State's May 16, 2017 Regulation No. 10 SIP submittal are discussed in detail in our February 1, 2018 proposed rule (83 FR 4614); therefore, they will not be restated here.

In summary, the purpose of Regulation No. 10 is to address the transportation conformity SIP requirements of section 176(c) of the CAA and 40 CFR 51.390(b). In addition, Regulation No. 10 also addresses the following transportation conformity SIP element requirements: 40 CFR 93.105, which formalizes the consultation procedures; 40 CFR 93.122(a)(4)(ii), which addresses written commitments to control measures that are not included in a Metropolitan Planning Organization's (MPOs) transportation plan and transportation improvement program that must be obtained prior to a conformity determination; and 40 CFR 93.125(c), which addresses written commitments to mitigation measures that must be obtained prior to a project-level conformity determination.[1] We note the most recent prior SIP revisions to Regulation No. 10, that we approved, occurred on March 4, 2014 (79 FR 12079).

II. What was the State's process to submit a SIP revision to the EPA?

Section 110(k) of the CAA addresses our actions on submissions of revisions to a SIP. The CAA requires states to observe certain procedural requirements in developing SIP revisions for submittal to the EPA. Section 110(a)(2) of the CAA requires that each SIP revision be adopted after reasonable notice and public hearing. This must occur prior to the revision being submitted by a state.

For the May 16, 2017 revisions to Regulation No. 10, the Colorado Air Quality Control Commission (AQCC) held a public hearing for those revisions on February 18, 2016. There were no public comments. The AQCC adopted the revisions to Regulation No. 10 directly after the hearing. This SIP revision became State effective on March 30, 2016, and was submitted by Dr. Larry Wolk, Executive Director of the Colorado Department of Public Health and Environment (CDPHE), and on behalf of the Governor, to the EPA on May 16, 2017.

We evaluated the State's May 16, 2017 submittal for Regulation No. 10 and determined that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA. By operation of law under section 110(k)(1)(B) of the CAA, the State's May 16, 2017 submittal was deemed complete by the EPA on November 25, 2017.

III. Response to Comments

The EPA received one anonymous public comment on our February 1, 2018 proposed rule (83 FR 4614). After reviewing the comment, the EPA has determined that the comment is outside the scope of our proposed rule and fails to identify any material issue necessitating a response. Accordingly, the EPA will not provide a specific response to the comment. We note that the public comment received on this rulemaking action is available for review by the public and may be viewed by following the instructions for access to docket materials as outlined in the **ADDRESSES** section of this preamble.

IV. Final Action

For the reasons described in our February 1, 2018 proposed rule (83 FR 4614), and under CAA section 110(k)(3), the EPA is approving the submitted revisions to Regulation No. 10, Section II, the definition of *Routine Conformity Determination.* In addition, we are also approving the typographic corrections to the Regulation No. 10 title, to Section II and to the Section III subsections III.A.2, III.A.3, III.B.1.a, III.C.1.b.(2), III.C.1.g and III.F.3.

The EPA notes that revisions were also made to Colorado's Regulation No. 10, section VI ''Statements of Basis, Specific Statutory Authority, and Purpose''; however, the EPA is not taking any action on the revisions to this section. The revisions to section VI are only informational in nature for the State and do not require federal approval into the SIP.

V. Consideration of Section 110(1) of the Clean Air Act

Under section 110(l) of the CAA, the EPA cannot approve a SIP revision if the revision would interfere with any applicable requirements concerning attainment and Reasonable Further Progress toward attainment of the National Ambient Air Quality Standards (NAAQS), or any other applicable requirement of the CAA. The EPA has

[1] A conformity SIP includes a state's specific criteria and procedures for certain aspects of the transportation conformity process consistent with the federal conformity rule. A conformity SIP does not contain motor vehicle emissions budgets, emissions inventories, air quality demonstrations, or control measures. See EPA's *Guidance for Developing Transportation Conformity State Implementation Plans (SIPs)* for further background: *https://nepis.epa.gov/Exe/ZyPDF.cgi/P1002W5B.PDF?Dockey=P1002W5B.PDF.*

determined that the portions of Regulation No. 10 that we are acting on are consistent with the applicable requirements of the CAA. Furthermore, these portions do not relax any previously approved SIP provision; thus, they do not otherwise interfere with attainment and maintenance of the NAAQS. In addition, section 110(l) of the CAA requires that each revision to an implementation plan submitted by a state shall be adopted by the state after reasonable notice and opportunity for public hearing. On February 18, 2016, the AQCC held a public hearing and the AQCC adopted the revisions to Regulation No. 10 directly after the hearing. This SIP revision became state effective on March 30, 2016. Therefore, the CAA section 110(l) requirements are satisfied.

VI. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the revision to Regulation No. 10, Section II, the definition of *Routine Conformity Determination* effective March 30, 2016. In addition, we are also incorporating by reference the typographic corrections to the Regulation No. 10 title, to Section II and to the Section III subsections III.A.2, III.A.3, III.B.1.a, III.C.1.b.(2), III.C.1.g and III.F.3 all effective March 30, 2016. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the State implementation plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be included in the next update to the SIP compilation.[2]

VII. 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 CAA. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the 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 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. 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 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 5, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

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

Dated: March 29, 2018.

Douglas H. Benevento,

Regional Administrator, Region 8.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart G—Colorado

■ 2. Section 52.320(c) is amended:
■ a. By revising the centered heading for ''5 CCR 1001–12''; and
■ b. By revising, under the centered heading ''5 CCR 1001–12,'' the table entries for ''II. Definitions'' and ''III. Interagency Consultation.''

The revisions read as follows:

§ 52.320 Identification of plan.

* * * * *

[2] 62 FR 27968 (May 22, 1997).

(c) * * *

Title	State effective date	EPA effective date	Final rule citation/date	Comments
* * * * * * *				
5 CCR 1001–12, Regulation Number 10, Criteria for Analysis of Transportation Conformity				
* * * * * * *				
II. Definitions	3/30/2016	5/7/2018	[Insert **Federal Register** citation], 4/6/2018.	
III. Interagency Consultation	3/30/2016	5/7/2018	[Insert **Federal Register** citation], 4/6/2018.	
* * * * * * *				

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[FR Doc. 2018–06846 Filed 4–5–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–HQ–OAR–2018–0135; FRL–9976–35–OAR]

Findings of Failure To Submit State Implementation Plan Submissions for the 2012 Fine Particulate Matter National Ambient Air Quality Standards (NAAQS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is taking final action to find that three states have failed to submit timely revisions to their state implementation plans (SIPs) as required to satisfy certain requirements under the Clean Air Act (CAA) for implementation of the annual 2012 Fine Particulate Matter National Ambient Air Quality Standards (2012 $PM_{2.5}$ NAAQS). These findings of failure to submit apply to states with overdue SIP revisions (or attainment plans) for certain areas initially designated as nonattainment and classified as Moderate for the 2012 $PM_{2.5}$ NAAQS on April 15, 2015. The SIP revisions to address all applicable Moderate area attainment plan requirements for these areas were due on October 15, 2016. If a state does not make the required complete SIP submission within 18 months of the effective date of these findings, the CAA requires the imposition of sanctions for the affected area(s). In addition, EPA is obligated to promulgate a federal implementation plan (FIP) to address any outstanding SIP requirements, if a state does not submit, and EPA does not approve, a state's submission within 24 months of the effective date of these findings.

DATES: The effective date of this action is May 7, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2018–0135. All documents in the docket are listed and publicly available at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at the EPA Docket Center (EPA/DC), EPA WJC West Building, Room 3334, 1301 Constitution Avenue 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 Office of Air and Radiation Docket and Information Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Lessard, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Air Quality Policy Division, Mail Code: C539–01, 109 T.W. Alexander Drive, Research Triangle Park, NC 27711; by telephone (919) 541–5383; or by email at *lessard.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Notice and Comment Under the Administrative Procedure Act (APA)

Section 553 of the APA, 5 U.S.C. 553(b)(e)(B), provides that, when an agency for good cause finds that notice and public procedures are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this final agency action without prior proposal and opportunity for comment because no significant EPA judgment is involved in making findings of failure to submit SIPs, or elements of SIPs. Rather, the findings are required by the CAA where states have made no submissions to meet the SIP requirements, or where EPA has separately determined that they made incomplete submissions. Thus, notice and public comment procedures are unnecessary. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

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

In addition to being available in the docket, an electronic copy of this action will be posted at *https://www.epa.gov/pm-pollution/implementation-national-ambient-air-quality-standards-naaqs-fine-particulate-matter.*

C. Where do I go if I have a specific state question?

For questions related to specific states mentioned in this notice, please contact the appropriate EPA Regional office:

Regional offices	States
Susan Spielberger, Associate Director, Office of Air Program Planning, Mailcode 3AP30, (215) 814–5356 or Gerallyn Duke, Acting Associate Director, Office of Permits and State Programs, Mailcode 3AP10, Region 3, 1650 Arch Street, Philadelphia, PA 19103, (215) 814–2084.	Pennsylvania.
Doris Lo, Chief, Rulemaking Office, Mailcode AIR–4, (415) 972–3959 or Laura Lawrence, Acting Chief, Planning Office, Mailcode AIR–4, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972–3407.	California.
Gina Bonifacino, Acting Unit Manager, Air Planning Unit, Mailcode AWT–50, Office of Air and Waste, 1200 6th Avenue, Suite 900, Seattle, WA 98101, (206) 553–2970.	Idaho.

D. How is the preamble organized?

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II. Background

Airborne particulate matter (PM) can be composed of a complex mixture of particles in both solid and liquid form. Particulate matter can be of different sizes, commonly referred to as ''coarse'' and ''fine'' particles. Fine particles, in general terms, are PM with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers (μm). For this reason, particles of this size are referred to as $PM_{2.5}$.

EPA first promulgated annual and 24-hour NAAQS for $PM_{2.5}$ in July 1997 [1] and then revised the 24-hour $PM_{2.5}$ NAAQS in October 2006.[2] Most recently, on December 14, 2012, EPA revised the primary annual $PM_{2.5}$ standard by lowering the level from 15.0 to 12.0 micrograms per cubic meter of air ($\mu g/m^3$) to provide increased protection against health effects associated with long- and short-term $PM_{2.5}$ exposures. EPA did not revise the secondary annual $PM_{2.5}$ standard, which remains at 15.0 $\mu g/m^3$.[3] In addition, EPA retained the level and form of the primary and secondary 24-hour $PM_{2.5}$ standards to continue to provide supplemental protection against health and welfare effects associated with short-term $PM_{2.5}$ exposures.

Promulgation of a revised NAAQS triggers a requirement for EPA to designate areas of the country as nonattainment, attainment, or unclassifiable for the standards. As prescribed by CAA section 188(a), areas designated as nonattainment for a $PM_{2.5}$ NAAQS are initially classified as Moderate. Designations and initial classifications for 14 areas in six states as Moderate nonattainment for the 2012 $PM_{2.5}$ NAAQS became effective on April 15, 2015.[4]

Nonattainment areas for $PM_{2.5}$ are subject to the general nonattainment area planning requirements of CAA section 172 and to the PM-specific planning requirements of CAA sections 188–189. On August 24, 2016, EPA established a final implementation rule ($PM_{2.5}$ SIP Requirements Rule) [5] outlining the attainment planning and control requirements for current and future $PM_{2.5}$ NAAQS. Accordingly to that rule, Moderate area $PM_{2.5}$ SIP submissions shall include base year emissions inventory requirements, an attainment projected emissions inventory, a control strategy including reasonably available control measures and reasonably available control technology (RACM/RACT), an attainment demonstration with air quality modeling, a reasonable further progress (RFP) demonstration, quantitative milestones, contingency measures, and a nonattainment new source review (NNSR) program.[6] The $PM_{2.5}$ SIP Requirements Rule also established the due date for Moderate area $PM_{2.5}$ SIP submissions as no later than 18 months from the effective date of area designations.[7] Accordingly, the areas designated as nonattainment for the 2012 $PM_{2.5}$ NAAQS (with an effective date of April 15, 2015) were required to submit Moderate area attainment plans to EPA no later than October 15, 2016.

III. Consequences of Findings of Failure To Submit

For plan requirements under part D, title I of the CAA, such as those for $PM_{2.5}$ nonattainment areas, if EPA finds that a state has failed to make the required complete SIP submission, then CAA section 179 establishes specific consequences, including the eventual imposition of mandatory sanctions for the affected area(s). Additionally, such a finding triggers an obligation under CAA section 110(c) for EPA to promulgate a FIP no later than 2 years from the effective date of the finding, if the affected state has not submitted, and EPA has not approved, the required SIP submission.

If EPA has not affirmatively determined that a state has submitted a complete SIP addressing the deficiency that is the basis for these findings within 18 months of the effective date of this rulemaking, or the submission has not become complete by operation of law 6 months after submission, then, pursuant to CAA section 179(a) and (b) and 40 CFR 52.31, the emissions offset sanction identified in CAA section 179(b)(2) will apply in the affected nonattainment area. If EPA has not affirmatively determined that the state has submitted a complete SIP addressing the deficiencies that are the basis for these findings within 6 months

[1] 62 FR 38652 (July 18, 1997).

[2] 71 FR 61143 (October 17, 2006).

[3] 78 FR 3086 (January 15, 2013).

[4] 80 FR 2206 (January 15, 2015).

[5] Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements; final rule; 81 FR 58009 (August 24, 2016).

[6] 40 CFR 51.1003(a)(2).

[7] 40 CFR 51.1003(a)(1).

after the offset sanction is imposed, or the submission has not become complete by operation of law 6 months after submission, then the highway funding sanction will apply in the affected nonattainment area, in accordance with CAA section 179(b)(1) and 40 CFR 52.31. The state must make the required SIP submission and EPA must take final action to approve the submission within 2 years of the effective date of these findings; otherwise, EPA is required to promulgate a FIP to address the relevant requirements. This is required pursuant to CAA section 110(c) for the affected nonattainment area.

IV. Findings of Failure To Submit for States That Failed To Make a Moderate Nonattainment Area SIP Submission

In this action, EPA is finding that the states listed in Table 1 have failed to submit specific Moderate area SIP elements for the 2012 $PM_{2.5}$ NAAQS required under subpart 4 of part D of title I of the CAA.

TABLE 1—FINDINGS OF FAILURE TO SUBMIT CERTAIN REQUIRED SIP ELEMENTS FOR 2012 $PM_{2.5}$ NAAQS MODERATE NONATTAINMENT AREAS

Region	State	Area name	Required SIP elements
3	PA	Allegheny County	• Emissions inventory; • Control strategy, including RACM/RACT; • Attainment demonstration; • RFP; • Quantitative milestones; and • Contingency measures; • NNSR program.
3	PA	Delaware County	• NNSR program.
3	PA	Lebanon County	• NNSR program.
9	CA	Imperial County	• Emissions inventory; • Control strategy, including RACM/RACT; • Attainment demonstration; • RFP; • Quantitative milestones; and • Contingency measures.
10	ID	West Silver Valley	• Control strategy, including RACM/RACT; • Attainment demonstration; • RFP; • Quantitative milestones; and • Contingency measures.

V. Environmental Justice Considerations

EPA believes that the human health or environmental risks addressed by this action will not have disproportionately high or adverse human health or environmental effects on minority, low-income, or indigenous populations. This is because it does not directly affect the level of protection provided to human health or environment under the $PM_{2.5}$ NAAQS. The purpose of this rule is to make findings that three states have failed to provide EPA with the identified SIP submissions, which are required by the CAA for purposes of implementing the 2012 $PM_{2.5}$ NAAQS. As such, this action does not directly affect the level of protection provided for human health or the environment. Moreover, it is intended that the actions and deadlines resulting from this notice will lead to greater protection for United States citizens, including minority, low-income, or indigenous populations by ensuring that states meet their statutory obligation to develop and submit SIPs to ensure that areas make progress toward attaining the 2012 $PM_{2.5}$ NAAQS.

VI. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action, and therefore, was not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

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

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the provisions of the PRA. This final rule does not establish any new information collection requirement apart from what is already required by law. This rule relates to the requirement in the CAA for states to submit SIPs under CAA sections 172, 188 and 189 which address the statutory requirements that apply to areas designated as Moderate nonattainment for the 2012 $PM_{2.5}$ NAAQS.

D. Regulatory Flexibility Act (RFA)

I certify that this rule will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. The rule is a finding that the named states have not submitted the necessary SIP revisions.

E. Unfunded Mandates Reform Act of 1995 (UMRA)

This action does not contain any unfunded mandate as described in UMRA 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. This rule finds that three states have failed to submit SIP revisions that satisfy the nonattainment area planning requirements under sections 172, 188 and 189 of the CAA for the 2012 $PM_{2.5}$ NAAQS. No tribe is subject to the requirement to submit an implementation plan under section 172, or under subpart 4 of part D of Title I of the CAA. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it is a finding that three states have failed to submit SIP revisions that satisfy the Moderate nonattainment area planning requirements under sections 172, 188 and 189 of the CAA for the 2012 $PM_{2.5}$ NAAQS and does not directly or disproportionately affect children.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations. In finding that three states have failed to submit SIP revisions that satisfy the Moderate nonattainment area planning requirements under sections 172, 188 and 189 of the CAA for the 2012 $PM_{2.5}$ NAAQS, this action does not directly affect the level of protection provided to human health or the environment. The results of this evaluation are contained in Section V of this preamble titled ''Environmental Justice Considerations.''

L. Congressional Review Act (CRA)

This action is subject to the CRA, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

M. Judicial Review

Section 307(b)(l) of the CAA indicates which Federal Courts of Appeal have venue for petitions of review of final agency actions by EPA under the CAA. This section provides, in part, that petitions for review must be filed in the United States Court of Appeals for the District of Columbia Circuit, (i) when the agency action consists of ''nationally applicable regulations promulgated, or final actions taken, by the Administrator,'' or (ii) when such action is locally or regionally applicable, if ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.''

EPA has determined that this final rule consisting of findings of failure to submit certain of the required SIP revisions is ''nationally applicable'' within the meaning of section 307(b)(1) of the CAA. This final agency action affects three states with Moderate nonattainment areas located in three of the ten EPA Regional offices, and in two different U.S. Federal Circuit Courts (3rd Circuit for Pennsylvania and 9th Circuit for California and Idaho).

In addition, EPA has determined that this rule has nationwide scope or effect because it addresses a common core of knowledge and analysis involved in formulating the decision and a common interpretation of the requirements of 40 CFR part 51 appendix V applied to determining the completeness of SIPs in states across the country. This determination is appropriate because, in the 1977 CAA Amendments that revised CAA section 307(b)(l), Congress noted that the Administrator's determination that an action is of ''nationwide scope or effect'' would be appropriate for any action that has ''scope or effect beyond a single judicial circuit.'' H.R. Rep. No. 95–294 at 323–324, reprinted in 1977 U.S.C.C.A.N. 1402–03. Here, the scope and effect of this action extends to the two judicial circuits that include the states across the country affected by this action. In these circumstances, CAA section 307(b)(1) and its legislative history authorize the Administrator to find the rule to be of ''nationwide scope or effect'' and, thus, to indicate that venue for challenges lies in the District of Columbia Circuit. Accordingly, EPA is determining that this rule is of nationwide scope or effect.

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 District of Columbia Circuit within 60 days from the date this final action is published in the **Federal Register**. Filing a petition for review by the Administrator of this final action does not affect the finality of the action for the purposes of judicial review, nor does it extend the time within which a petition for judicial review must be filed, and shall not postpone the effectiveness of such rule or action.

List of Subjects in 40 CFR Part 52

Environmental protection, Approval and promulgation of implementation plans, Administrative practice and procedures, Incorporation by reference, Air pollution control, Intergovernmental relations, and Reporting and recordkeeping requirements.

Dated: March 26, 2018.

William L. Wehrum,

Assistant Administrator.

[FR Doc. 2018–06989 Filed 4–5–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[EPA–R07–OAR–2017–0485; FRL–9976–52–Region 7]

Approval of Nebraska Air Quality Implementation Plans, Operating Permits Program, and 112(l) Program; Revision to Nebraska Administrative Code

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the State Implementation Plan (SIP), Operating Permits Program, and 112(l) Program submitted on July 14, 2014, by the State of Nebraska. This action amends the SIP to revise two chapters, ''Definitions'' and ''Operating Permit Modifications; Reopening for Cause''. Specifically, these revisions incorporate by reference the list of organic compounds exempt from the definition of volatile organic compound (VOC) found in the Code of

Federal Regulations; notification requirements for the operating permit program are being amended to be consistent with the Federal operating permit program requirements; the definition of ''solid waste'' is being revised by the state, however, because the state's definition is inconsistent with the Federal definition, EPA is not approving this definition into the SIP. Finally, the state is extending the process of ''off-permit changes'' to Class I operating permits. Additional grammatical and editorial changes are being made in this revision. Approval of these revisions will not impact air quality, ensures consistency between the state and Federally-approved rules, and ensures Federal enforceability of the state's rules.

DATES: This final rule is effective on May 7, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2017–0485. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

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

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

I. Background

On October 5, 2017, EPA proposed to approve revisions to the SIP, Operating Permits Program, and 112(l) Program for the State of Nebraska. *See* 82 FR 46453. In conjunction with the October 5, 2017 notice of proposed rulemaking (NPR), EPA issued a direct final rule (DFR) approving the revisions to the SIP, Operating Permits Program, and the 112(l) Program. *See* 82 FR 46420. In the DFR, EPA stated that if adverse comments were submitted to EPA by November 6, 2017, the action would be withdrawn and not take effect. EPA received one adverse comment prior to the close of the comment period. EPA withdrew the DFR on November 28, 2017. *See* 82 FR 56173. This action is a final rule based on the NPR.

II. What is being addressed in this document?

Nebraska's July 14, 2014, submission requested revisions to seven chapters of ''Title 129-Nebraska Air Quality Regulations''. This action will amend the SIP to include revisions to two of those chapters, title 129 of the Nebraska Administrative Code, chapter 1 ''Definitions'', and chapter 15 ''Operating Permit Modifications; Reopening for Cause''. Of the remaining five chapters, EPA previously approved revisions to two of the chapters in separate direct final rulemakings published in the **Federal Register**. Chapter 4, ''Ambient Air Quality Standards'' was approved on October 11, 2016, and chapter 34 ''Emission Sources; Testing; Monitoring'' was approved on October 7, 2016. EPA will take action separately on two other chapters, chapter 20 ''Particulate Emissions; Limits and Standards'' and chapter 18 ''New Performance Standards''. The final chapter, chapter 28 ''Hazardous Air Pollutants; Emissions Standards'', submitted as part of the July 14, 2014, SIP submission, is not approved in the Nebraska SIP and therefore EPA will take no further action for this chapter.

EPA is approving revisions to the Nebraska SIP and Operating Permits Program in title 129, chapter 1 ''Definitions''. The definition of VOC contained in section 160 of chapter 1 ''Definitions'' is being revised. Specifically, section 160 of chapter 1 contains a definition of VOC that provides exceptions to the definition based upon a list of organic compounds, which have been determined to have negligible photochemical reactivity. Because it is difficult to stay current in regard to the list of compounds, the revision EPA is approving removes the list at section 160, and references the list contained in the Code of Federal Regulations at 40 CFR 51.100(s)(1) and (5). In addition, revisions to chapter 1, section 139, are being made to the SIP and the Operating Permits Program to change the notification requirements for ''section 502(b)(10) changes'' to require facilities to provide written notification at least 7 days in advance, rather than 30 days. This revision makes the notification requirements consistent with the Federal operating permit program requirements. In addition, Nebraska requested revisions to the definition of ''solid waste'' at chapter 1, section 144, to make it consistent with the definition of ''solid waste'' included in the Nebraska Environmental Protection Act and other applicable regulations in Nebraska.[1] Neb. Rev. Stat. 81–1502(26). The definition as proposed by the Nebraska Department of Environmental Quality (NDEQ) is not consistent with the definition of ''solid waste'' in Federal law and regulations. Therefore, EPA is not approving Nebraska's proposed revision to the definition of ''solid waste'' into the State Implementation Plan or Operating Permits Program. Finally, other grammatical and numerical edits are being made in this chapter.

EPA is approving revisions to the Nebraska SIP, Operating Permits Program and 112(l) Program for chapter 15 ''Operating Permit Modifications; Reopening for Cause'', which extends ''off-permit changes'' to Class I and II operating permits as allowed under the Federal program. Section 007 of chapter 15 is being revised and updated allowing changes within a permitted facility without a permit revision if the change meets certain specified criteria. The revised process allows certain minor revisions to be made without requiring all applicable administrative procedures for full permit issuance. These changes ensure that chapter 15 conforms to applicable Federal regulations. Finally, revisions to chapter 15 amend the minimum number of days to submit a written notification of a change from thirty days to seven days under certain circumstances when changing Class I and II operating permits, and makes various grammatical revisions for clarity and consistency purposes.

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

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The revised chapters were placed on public notice and a

[1] The definition of ''solid waste'' in the Nebraska Environmental Protection Act was updated in 2013 as a result of Legislative Bill 203 to exclude ''slag'' from the definition. This revision further clarifies that ''slag'' is a by-product of value and therefore is excluded from the definition of ''solid waste.''

public hearing was held by the state on January 6, 2014, where no comments were received. In addition, as explained in this preamble, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

IV. EPA's Response to Comments

The public comment period on EPA's proposed rule opened October 5, 2017, the date of its publication in the **Federal Register**, and closed on November 6, 2017. During this period, EPA received a comment from one commenter.

Comment 1: The commenter stated that EPA must act on the state's submitted request to change the definition of solid waste, and that EPA does not have the discretionary authority to not act on state's submission. The commenter stated that EPA is required to act on the state's submission within a maximum of 18 months from the state's submission and stated that the state's requested revisions to the definition of solid waste was submitted in 2014, greater than 36 months prior to the October 5, 2017, **Federal Register** notice. The commenter further stated that EPA must disapprove the state's submittal regarding the definition of solid waste as it is inconsistent with the Federal rules as EPA outlined in its October 5, 2017, **Federal Register** notice.

Response 1: Section 110(k)of the CAA authorizes EPA to approve a SIP submission in full, disapprove it in full, or approve it in part and disapprove it in part, or conditionally approve it in full or in part, depending on the extent to which such plan meets the requirements of the CAA. This authority to approve state SIP submissions in separable parts was included in the 1990 Amendments to the CAA to overrule a decision in the Court of Appeals for the Ninth Circuit holding that EPA could not approve individual measures in a SIP submission without either approving or disapproving the plan as a whole. *See* S. Rep. No. 101–228, at 22, 1990 U.S.C.C.A.N. 3385, 3408 (discussing the express overruling of *Abramowitz* v. *EPA,* 832 F.2d 1071 (9th Cir. 1987)).

EPA interprets its authority under section 110(k) of the CAA as affording the Agency the discretion to approve, disapprove, or conditionally approve, individual portions of Nebraska's SIP revision. EPA views the SIP revisions to the definition of solid waste, as severable from other portions of the SIP revision and interprets section 110(k) as allowing it to act on individual severable portions in a SIP submission. In short, EPA believes it has the discretion under section 110(k) of the CAA to act upon the various individual portions of the state's SIP revision, separately or together, as appropriate. This discretion exists even when the deadline to act on the SIP submission as a whole has passed. EPA will address the definition of solid waste in a separate rulemaking action.

V. What action is EPA taking?

EPA is taking final action to amend the Nebraska SIP to approve revisions to title 129, chapters 1 and 15. EPA is not approving Nebraska's revised definition of ''solid waste'' in title 129, chapter 1.

VI. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Nebraska Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by EPA for inclusion in the State Implementation Plan, have been incorporated by reference by EPA into that plan, are fully Federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[2]

VII. Statutory and Executive Order Reviews

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

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

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in

[2] 62 FR 27968 (May 22, 1997).

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 5, 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

40 CFR Part 52

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

40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: March 27, 2018.

Karen A. Flournoy,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR parts 52 and 70 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart CC—Nebraska

■ 2. In § 52.1420, revise the section heading and in the table in paragraph (c) the entries ''129–1'' and ''129–15'' to read as follows:

§ 52.1420 Identification of plan.

* * * * *

(c) * * *

EPA—APPROVED NEBRASKA REGULATIONS

Nebraska citation	Title	State effective date	EPA approval date	Explanation
STATE OF NEBRASKA				
Department of Environmental Quality				
Title 129—Nebraska Air Quality Regulations				
129–1	Definitions	5/13/14	4/6/18, [insert **Federal Register** citation].	The proposed definition of ''solid waste'' is not approved into the SIP. The second sentence beginning at ''Solid waste'' and ending at ''discarded material'', is not approved into the SIP.
*	*	*	*	*
129–15	Operating Permit Modifications; Reopening for Cause.	5/13/14	4/6/18, [insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

PART 70—STATE OPERATING PERMIT PROGRAMS

■ 3. The authority citation for part 70 continues to read as follows:

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

■ 4. In appendix A to part 70 add paragraph (o) under ''Nebraska; City of Omaha; Lincoln-Lancaster County Health Department'' to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Nebraska; City of Omaha; Lincoln-Lancaster County Health Department

* * * * *

(o) The Nebraska Department of Environmental Quality submitted revisions to the Nebraska Administrative Code, title 129, chapter 1, ''Definitions'' and chapter 15, ''Operating Permit Modifications; Reopening for Cause'' on July 14, 2014. The state effective date is May 13, 2014. This revision is effective June 5, 2018.

* * * * *

[FR Doc. 2018–07091 Filed 4–5–18; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 83, No. 67
Friday, April 6, 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 985

[Doc. No. AMS–SC–17–0073; SC18–985–1 PR]

Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2018–2019 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement a recommendation from the Far West Spearmint Oil Administrative Committee (Committee) to establish salable quantities and producer allotments of Class 1 (Scotch) and Class 3 (Native) spearmint oil produced in Washington, Idaho, Oregon, and designated parts of Nevada and Utah (the Far West) for the 2018–2019 marketing year. Salable quantities and allotment percentages help maintain stability in the Far West spearmint oil market. This proposed rule would also remove references to past volume regulation no longer in effect.

DATES: Comments must be received by June 5, 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.* All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection 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 proposal 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: Barry Broadbent, Marketing Specialist, or Gary Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or Email: *Barry.Broadbent@ams.usda.gov* or *GaryD.Olson@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 proposal is issued under Marketing Order No. 985, as amended (7 CFR part 985), regulating the handling of spearmint oil produced in the Far West. Part 985 (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 spearmint oil producers operating within the area of production, and a public member.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 13563 and 13175. This 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 proposal 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. This proposal is not intended to have retroactive effect. Under the Order now in effect, salable quantities and producer allotment percentages may be established for classes of spearmint oil produced in the Far West. This proposed rule would establish quantities and percentages for Class 1 (Scotch) and Class 3 (Native) spearmint oil for the 2018–2019 marketing year, which begins on June 1, 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.

Pursuant to §§ 985.50, 985.51, and 985.52, the Order requires the Committee to meet each year to consider supply and demand of spearmint oil and a marketing policy for the ensuing marketing year. When such considerations indicate a need to establish or maintain stable market conditions through volume regulation, the Committee recommends salable quantity limitations and producer allotments to regulate the quantity of Far West spearmint oil available to the market.

According to § 985.12, ''salable quantity'' is the total quantity of each class of oil that handlers may purchase from, or handle on behalf of, producers during a given marketing year. The total industry allotment base is the aggregate of all allotment bases held individually by producers as prescribed under § 985.53(d)(1). The total allotment base is generally revised each year on June 1

due to producer base being lost because of the bona fide effort production provision of § 985.53(e). The allotment percentage for each class of spearmint oil is derived by dividing the salable quantity by the total industry allotment base for that same class of oil. The allotment percentage is the percentage used to calculate each producer's prorated share of the salable quantity or their ''annual allotment,'' as defined in § 985.13.

The Committee met on October 25, 2017, to consider its marketing policy for the 2018–2019 marketing year. At that meeting, the Committee determined that, based on overall market and supply conditions, volume regulation for Classes 1 and 3 (Scotch and Native, respectively) spearmint oil would be necessary. With a unanimous vote, the Committee recommended the establishment of a salable quantity and allotment percentage for Class 1 (Scotch) and Class 3 (Native) spearmint oil of 760,660 pounds and 35 percent, and 1,307,947 pounds and 53 percent, respectively. The Committee also unanimously set its 2018–2019 marketing year trade demand estimate for Far West Scotch spearmint oil at 850,000 pounds, and for Far West Native spearmint oil at 1,306,605 pounds. Salable quantities and allotment percentages have been placed into effect each season since the Order's inception in 1980.

Class 1 (Scotch) Spearmint Oil

The Committee's recommended 2018–2019 marketing year salable quantity and allotment percentage for Far West Scotch spearmint oil represent a decrease from the previous year's volume restrictions. The proposed 2018–2019 salable quantity of 760,660 pounds is 13,985 pounds less than the 2017–2018 salable quantity of 774,645 pounds. The producer allotment, recommended at 35 percent for the 2018–2019 marketing year, is slightly less than the 36 percent in effect the previous year. The total estimated allotment base for the coming marketing year is estimated at 2,173,315 pounds. This figure represents a one-percent increase over the 2017–2018 total allotment base of 2,151,797.

The Committee considered several factors in making its recommendation, including the current and projected supply, estimated future demand, production costs, and producer prices. The Committee's recommendations also account for declining acreage of Far West Scotch spearmint oil, decreasing consumer demand, existing carry-in and reserve pool volume, and increasing production in competing markets.

According to the Committee, as costs of production have increased, many producers have forgone new plantings. This has resulted in a significant decline in production of Far West Scotch spearmint oil over past years. Production has decreased from 1,229,258 pounds produced in 2015, to 1,113,346 pounds produced in 2016 and, finally, to an estimated 817,857 pounds for 2017.

Industry reports also indicate that the relatively low trade demand for Far West spearmint oil is the result of decreased consumer demand for spearmint-flavored products, especially chewing gum in China and India. Far West Scotch spearmint oil sales have averaged 941,140 pounds per year over the last three years and 966,875 pounds over the last five years. For the 2017–2018 crop, the Committee estimated trade demand at 800,000 pounds.

In addition, increasing production of spearmint oil in competing markets, most notably Canada and the U.S. Midwest, has also put downward pressure on the Far West Scotch market.

Given the general decline in demand and anticipated market conditions for the coming year, the Committee decided it was prudent to anticipate 2018–2019 trade demand at 850,000 pounds. Should the proposed volume regulation levels prove insufficient to adequately supply the market, the Committee has the authority to recommend intra-seasonal increases, as in previous marketing years.

The Committee calculated the minimum salable quantity of Far West Scotch spearmint oil that would be required during the 2018–2019 marketing year by subtracting the estimated salable carry-in on June 1, 2018, (215,757) from the estimated trade demand (850,000), resulting in 634,243 pounds. This salable quantity represents the minimum amount of Scotch spearmint oil that may be needed to satisfy estimated demand for the coming year. The Committee then factored in a projected 2019–2020 carry-in of 126,417 pounds to arrive at a recommended 2018–2019 salable quantity of 760,660 pounds.

The recommended salable quantity of 760,660 pounds combined with an estimated 215,757 pounds of salable quantity (salable carry-in) from the previous year would yield a total available supply of 976,417 pounds Far West Scotch spearmint oil for the 2018–2019 marketing year. The recommended amount would adequately supply the Committee's estimated market demand of 850,000 pounds for the 2018–2019 marketing year and would result in a desired 2019–2020 carry-in of 126,417 pounds.

Salable carry-in is the primary measure of excess spearmint oil supply under the Order, as it represents overproduction in prior years that is currently available to the market without restriction. Under volume regulation, spearmint oil that is designated as salable continues to be available to the market until it is sold and may be marketed at any time at the discretion of the owner. Salable quantities established under volume regulation over the last three seasons have exceeded sales, leading to a gradual build of Far West Scotch spearmint oil salable carry-in.

The Committee estimates that there will be 215,757 pounds of salable carry-in of Scotch spearmint oil on June 1, 2018. If current market conditions are maintained and the Committee's projections are correct, salable carry-in will decrease to 126,417 pounds at the beginning of the 2019–2020 marketing year. This level would be slightly below the quantity that the Committee considers favorable (generally 150,000 pounds). However, the Committee believes that this lower salable carry-in will be manageable given the expected production level of Far West Scotch spearmint oil in the current marketing year and the quantity of oil held in the reserve pool.

Spearmint oil held in reserve is oil that has been produced in excess of a producer's marketing year allotment. Oil held in the reserve pool is a less reliable indicator of excess supply as it is not available to the market in the current marketing year without an increase in the salable quantity and allotment percentage.

Far West Scotch spearmint oil held in the reserve pool, which was completely depleted at the beginning of the 2014–2015 marketing year, has also been gradually increasing over the past four years. The Committee reported that there were 71,088 pounds of Far West Scotch spearmint oil held in the reserve pool as of May 31, 2017. The Committee estimates the reserve pool will increase to 114,274 pounds by May 31, 2018. This quantity of reserve pool oil should be an adequate buffer to supply the market, if necessary, if the industry experiences an unexpected increase in demand.

The Committee recommends a producer allotment percentage of 35 percent for the 2018–2019 marketing year. During its October 25, 2017, meeting, the Committee calculated an initial producer allotment percentage by dividing the minimum required salable quantity (634,243 pounds) by the total

estimated allotment base (2,173,315 pounds), resulting in 29.2 percent. However, producers and handlers at the meeting indicated that the computed percentage (29.2 percent) might not adequately supply the potential 2018–2019 Scotch spearmint oil market demand or may result in inadequate carry-in for the subsequent marketing year. After deliberation, the Committee increased the targeted producer allotment percentage to 35 percent. The total estimated allotment base (2,173,315 pounds) for the 2018–2019 marketing year multiplied by the recommended salable allotment percentage (35 percent) yields 760,660 pounds, which is also the recommended salable quantity for the 2018–2019 marketing year.

The 2018–2019 marketing year computational data for the Committee's recommendations is further outlined below.

(A) *Estimated carry-in of Scotch spearmint oil on June 1, 2018: 215,757 pounds.* This figure is the difference between the 2017–2018 marketing year total available supply of 1,015,757 pounds and the 2017–2018 marketing year estimated trade demand of 800,000 pounds.

(B) *Estimated trade demand of Far West Scotch spearmint oil for the 2018–2019 marketing year: 850,000 pounds.* This figure was established at the Committee meeting held on October 25, 2017.

(C) *Salable quantity of Scotch spearmint oil required from the 2018–2019 marketing year production: 634,243 pounds.* This figure is the difference between the estimated 2018–2019 marketing year trade demand (850,000 pounds) and the estimated carry-in on June 1, 2018 (215,757 pounds). This salable quantity represents the minimum amount of Scotch spearmint oil production that may be needed to satisfy estimated demand for the coming year.

(D) *Total estimated allotment base of Scotch spearmint oil for the 2018–2019 marketing year: 2,173,315 pounds.* This figure represents a one-percent increase over the 2017–2018 total actual allotment base of 2,151,797 pounds as prescribed in § 985.53(d)(1). The one-percent increase equals 21,518 pounds of Scotch spearmint oil. This total estimated allotment base is generally revised each year on June 1 in accordance with § 985.53(e).

(E) *Computed Scotch spearmint oil allotment percentage for the 2018–2019 marketing year: 29.2 percent.* This percentage is computed by dividing the minimum required salable quantity (634,243 pounds) by the total estimated allotment base (2,173,315 pounds).

(F) *Recommended Scotch spearmint oil allotment percentage for the 2018–2019 marketing year: 35 percent.* This is the Committee's recommendation and is based on the computed allotment percentage (29.2 percent) and input from producers and handlers at the October 25, 2017, meeting. The recommended 35 percent allotment percentage reflects the Committee's belief that the computed percentage (29.2 percent) may not adequately supply anticipated 2018–2019 Scotch spearmint oil market demand.

(G) *Recommended Scotch spearmint oil salable quantity for the 2018–2019 marketing year: 760,660 pounds.* This figure is the product of the recommended salable allotment percentage (35 percent) and the total estimated allotment base (2,173,315 pounds) for the 2018–2019 marketing year.

(H) *Estimated total available supply of Scotch spearmint oil for the 2018–2019 marketing year: 976,417 pounds.* This figure is the sum of the 2018–2019 recommended salable quantity (760,660 pounds) and the estimated carry-in on June 1, 2018 (215,757 pounds).

For the reasons stated above, the Committee believes that the recommended salable quantity would adequately meet demand, would result in a reasonable carry-in for the following year, and would contribute to orderly marketing conditions as intended under the Order.

Class 3 (Native) Spearmint Oil

The Committee recommended a Native spearmint oil salable quantity of 1,307,947 pounds and an allotment percentage of 53 percent for the 2018–2019 marketing year. These figures are, respectively, 206,955 pounds and 9 percentage points less than the final levels established for the 2017–2018 marketing year after an intra-seasonal increase.

The Committee utilized handlers' anticipated sales estimates of Far West Native spearmint oil for the coming year, historical and current Native spearmint oil production, inventory statistics, and international market data obtained from consultants for the spearmint oil industry to arrive at these recommendations.

The Committee anticipates that 2017 production will total 1,462,976 pounds, down from 1,694,684 pounds in 2016. Committee figures show that declining production is the result of a 1,107-acre year-over-year reduction in total Native spearmint acres, and an average yield per acre drop from 166.2 pounds per acre in 2016 to 160.9 pounds per acre in 2017. Conversely, sales of Native spearmint oil have been increasing at about a 4 percent rate from the 2015–2016 season through the 2017–2018 marketing year.

The Committee expects that 57,968 pounds of salable Native spearmint oil from prior years will be carried into the 2018–2019 marketing year. This amount is down from the estimated 143,011 pounds of salable Native spearmint oil carried into the 2017–2018 marketing year, and 142,657 pounds carried into the 2016–2017 marketing year.

Further, the Committee estimates that there will be 1,237,237 pounds of Native spearmint oil in the reserve pool at the beginning of the 2018–2019 marketing year. This figure is 142,578 pounds higher than the quantity of reserve pool oil held by producers the previous year and is in line with the gradual increase in reserves over the past three marketing years.

Exports of Far West Native spearmint oil, as of July 2017, are above their five-year average. Canada, India, and China are the largest destination markets for Far West Native spearmint oil exports. As a common practice, large end users often buy spearmint oil to build reserve stocks when prices are low as a hedge against future price increases. End users of Native spearmint oil are expected to continue to rely on Far West production as their main source of high quality Native spearmint oil, but demand may be at lower quantities moving forward in response to long-term market factors. A sharp spike in demand for Far West Native spearmint oil was experienced by handlers late in the 2017–2018 marketing year, spurred by the popularity of a new product in the market. This sharp spike in demand caused the remaining available 2017–2018 salable quantity of Native oil to be depleted.

The Committee estimates the 2018–2019 marketing year Native spearmint oil trade demand to be 1,306,605 pounds. This figure is based on input provided by producers at six Native spearmint oil production area meetings held in mid-October 2017, as well as estimates provided by handlers and other meeting participants at the October 25, 2017, meeting. This figure represents an increase of 56,605 pounds from the previous year's initial estimate. The average estimated trade demand for Native spearmint oil from the six production area grower's meetings was 1,349,379 pounds, whereas the handlers' estimates ranged from 1,350,000 to 1,500,000 pounds. The average of Far West Native spearmint oil sales over the last three years is also

1,305,605 pounds. However, the quantity marketed over the most recent full marketing year, 2016–2017, was 1,287,691 pounds. The Committee chose to be slightly conservative in the establishment of its trade demand estimate for the 2018–2019 marketing year to avoid oversupplying the market.

The estimated 2018–2019 carry-in of 57,968 pounds of Native spearmint oil plus the recommended salable quantity of 1,307,947 pounds would result in an estimated total available supply of 1,365,915 pounds of Native spearmint oil during the 2018–2019 marketing year. With the corresponding estimated trade demand of 1,306,605 pounds, the Committee projects that 59,310 pounds of Native spearmint oil will be carried into the 2019–2020 marketing year, resulting in a slight increase of 1,342 pounds year-over-year. The Committee estimates that there will be 1,237,237 pounds of Native spearmint oil held in the reserve pool at the beginning of the 2018–2019 marketing year. Should the industry experience an unexpected increase in trade demand, Native spearmint oil in the reserve pool could be released to satisfy that demand.

The Committee recommends a producer allotment percentage of 53 percent for the 2018–2019 marketing year. During its October 25, 2017, meeting, the Committee calculated an initial producer allotment percentage by dividing the minimum required salable quantity (1,248,637 pounds) by the total estimated allotment base (2,467,825 pounds), resulting in 50.6 percent. However, producers and handlers at the meeting expressed that the computed percentage (50.6 percent) may not adequately supply the potential 2018–2019 Native spearmint oil market demand or result in adequate carry-in for the subsequent marketing year. After deliberation, the Committee increased the targeted producer allotment percentage to a recommended 53 percent. The total estimated allotment base (2,467,825 pounds) for the 2018–2019 marketing year multiplied by the recommended salable allotment percentage (53 percent) yields 1,307,947 pounds, which is also the recommended salable quantity for that year.

The 2018–2019 marketing year computational data for the Committee's recommendations is further outlined below.

(A) *Estimated carry-in of Native spearmint oil on June 1, 2018: 57,968 pounds.* This figure is the difference between the revised 2017–2018 marketing year total available supply of 1,657,968 pounds and the revised 2017–2018 marketing year estimated trade demand of 1,600,000 pounds.

(B) *Estimated trade demand of Native spearmint oil for the 2018–2019 marketing year: 1,306,605 pounds.* This estimate was established by the Committee at the October 25, 2017, meeting.

(C) *Salable quantity of Native spearmint oil required from the 2018–2019 marketing year production: 1,248,637 pounds.* This figure is the difference between the estimated 2018–2019 marketing year estimated trade demand (1,306,605 pounds) and the estimated carry-in on June 1, 2018 (57,968 pounds). This is the minimum amount of Native spearmint oil that the Committee believes would be required to meet the anticipated 2018–2019 marketing year trade demand.

(D) *Total estimated allotment base of Native spearmint oil for the 2018–2019 marketing year: 2,467,825 pounds.* This figure represents a one-percent increase over the 2017–2018 total actual allotment base of 2,443,391 pounds as prescribed in § 985.53(d)(1). The one-percent increase equals 24,434 pounds of Native spearmint oil. This estimate is generally revised each year on June 1, due to producer base being lost because of the bona fide effort production provisions of § 985.53(e).

(E) *Computed Native spearmint oil allotment percentage for the 2018–2019 marketing year: 50.6 percent.* This percentage is calculated by dividing the required salable quantity (1,248,637 pounds) by the total estimated allotment base (2,467,825 pounds) for the 2018–2019 marketing year.

(F) *Recommended Native spearmint oil allotment percentage for the 2018–2019 marketing year: 53 percent.* This is the Committee's recommendation based on the computed allotment percentage (50.6 percent) and input from producers and handlers at the October 25, 2017, meeting. The recommended 53 percent allotment percentage is also based on the Committee's belief that the computed percentage (50.6 percent) may not adequately supply the potential market for Native spearmint oil in the 2018–2019 marketing year.

(G) *Recommended Native spearmint oil 2018–2019 marketing year salable quantity: 1,307,947 pounds.* This figure is the product of the recommended allotment percentage (53 percent) and the total estimated allotment base (2,467,825 pounds). After completely depleting the remaining salable quantity for the 2017–2018 marketing year, to prevent this from happening again, the Committee recommended that the 2018–2019 salable quantity be set at a level slightly higher than the estimated trade demand for the same year (1,306,605 pounds).

(H) *Estimated available supply of Native spearmint oil for the 2018–2019 marketing year: 1,365,915 pounds.* This figure is the sum of the 2018–2019 recommended salable quantity (1,307,947 pounds) and the estimated carry-in on June 1, 2018 (57,968 pounds).

The Committee's recommended Scotch and Native spearmint oil salable quantities and allotment percentages of 760,660 pounds and 35 percent, and 1,307,947 pounds and 53 percent, respectively, would match the available supply of each class of spearmint oil to the estimated demand of each, thus avoiding extreme fluctuations in inventories and prices. This proposal, if adopted, would be similar to regulations issued in prior seasons.

The salable quantities in this proposal are not expected to cause a shortage of spearmint oil supplies. Any unanticipated or additional market demand for spearmint oil which may develop during the marketing year could be satisfied by an intra-seasonal increase in the salable quantity. The Order contains a provision in § 985.51 for intra-seasonal increases to allow the Committee the flexibility to respond quickly to changing market conditions.

Under volume regulation, producers who produce more than their annual allotments during the marketing year may transfer such excess spearmint oil to producers who have produced less than their annual allotment. In addition, on December 1 of each year, producers who have not transferred their excess spearmint oil to other producers must place their excess spearmint oil production into the reserve pool to be released in the future in accordance with market needs and under the Committee's direction.

In conjunction with the issuance of this proposed rule, USDA has reviewed the Committee's marketing policy statement for the 2018–2019 marketing year. The Committee's marketing policy statement, a requirement whenever the Committee recommends volume regulation, meets the requirements of §§ 985.50 and 985.51.

The establishment of the proposed salable quantities and allotment percentages would allow for anticipated market needs. In determining anticipated market needs, the Committee considered historical sales, as well as changes and trends in production and demand. This proposal would also provide producers with information on the amount of spearmint oil that should be produced for the 2018–2019 season to meet anticipated market demand.

Initial Regulatory Flexibility Act

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 43 producers and 94 producers of Scotch and Native spearmint oil, respectively, in the regulated production area and approximately seven spearmint oil handlers subject to regulation under the Order. 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).

The Committee reported that recent producer prices for spearmint oil range from $15.50 to $18.00 per pound. The National Agricultural Statistics Service (NASS) reported that the 2016 U.S. season average spearmint oil grower price per pound was $17.40. Multiplying $17.40 per pound by 2016–17 spearmint oil utilization of 2,168,257 million pounds yields a crop value estimate of about $37.7 million. Total 2016–17 spearmint oil utilization, reported by the Committee, is 958,711 pounds and 1,209,546 pounds for Scotch and Native spearmint oil, respectively.

Given the accounting requirements for the volume regulation provisions of the Order, the Committee maintains accurate records of each producer's production and sales. Using the $17.40 average spearmint oil price, and Committee production data for each producer, the Committee estimates that 38 of the 43 Scotch spearmint oil producers and 88 of the 94 Native spearmint oil producers could be classified as small entities under the SBA definition.

There is no third party or governmental entity that collects and reports spearmint oil prices received by spearmint oil handlers. However, the Committee estimates an average spearmint oil handling markup at approximately 20 percent of the price received by producers. Multiplying 1.20 by the 2016 producer price of $17.40 yields a handler f.o.b. price per pound estimate of $20.88.

Multiplying this handler f.o.b price by spearmint oil utilization of 2,168,257 pounds results in an estimated handler-level spearmint oil value of $45.3 million. Dividing this figure by the number of handlers (7) yields estimated average annual handler receipts of about $6.5 million, which is below the SBA threshold for small agricultural service firms.

Using confidential data on pounds handled by each handler, and the abovementioned handler price per pound, the Committee reported that it is likely that at least two of the seven handlers had 2016–2017 marketing year spearmint oil sales value that exceeded the SBA threshold.

Therefore, in view of the foregoing, the majority of producers and handlers of spearmint oil may be classified as small entities.

This proposed rule would establish the quantity of spearmint oil produced in the Far West, by class, which handlers may purchase from, or handle on behalf of, producers during the 2018–2019 marketing year. The Committee recommended this action to help maintain stability in the spearmint oil market by matching supply to estimated demand, thereby avoiding extreme fluctuations in supplies and prices. Establishing quantities that may be purchased or handled during the marketing year through volume regulations allows producers to coordinate their spearmint oil production with the expected market demand. Authority for this proposal is provided in §§ 985.50, 985.51, and 985.52.

The Committee estimated trade demand for the 2018–2019 marketing year for both classes of oil at 2,156,605 pounds and expects that the combined salable carry-in will be 273,725 pounds. The combined required salable quantity is 1,882,880 pounds. Under volume regulation, total sales of spearmint oil by producers for the 2018–2019 marketing year would be held to 2,342,332 pounds (the recommended salable quantity for both classes of spearmint oil of 2,068,607 pounds plus 273,725 pounds of carry-in). This total available supply of 2,342,332 pounds should be more than adequate to supply the 2,156,605 pounds of anticipated total trade demand for spearmint oil. In addition, as of May 31, 2017, the total reserve pool for both classes of spearmint oil stood at 1,067,138 pounds. Furthermore, that quantity is expected to rise over the course of the 2017–2018 marketing year. Should trade demand increase unexpectedly during the 2018–2019 marketing year, reserve pool spearmint oil could be released into the market to supply that increase in demand.

The recommended allotment percentages, upon which 2018–2019 producer allotments are based, are 35 percent for Scotch spearmint oil and 53 percent for Native spearmint oil. Without volume regulation, producers would not be held to these allotment levels, and could produce and sell unrestricted quantities of spearmint oil. The USDA econometric model estimated that the season average producer price per pound (from both classes of spearmint oil) would decline about $1.90 per pound because of the higher quantities of spearmint oil that would be produced and marketed without volume regulation. The surplus situation for the spearmint oil market that would exist without volume regulation in 2018–2019 also would likely dampen prospects for improved producer prices in future years because of the buildup in stocks.

The use of volume regulation allows the industry to fully supply spearmint oil markets while avoiding the negative consequences of over-supplying these markets. The use of volume regulation is believed to have little or no effect on consumer prices of products containing spearmint oil and would not result in fewer retail sales of such products.

The Committee discussed alternatives to the recommendations contained in this rule for both classes of spearmint oil. The Committee discussed and rejected the idea of not regulating any volume for either class of spearmint oil because of the severe, price-depressing effects that would likely occur without volume regulation. The Committee also discussed and considered salable quantities and allotment percentages that were above and below the levels that were ultimately recommended for both classes of spearmint oil. Ultimately, the action taken by the Committee was to decrease the salable quantity and allotment percentage for Class 1 (Scotch) spearmint oil, and to increase the salable quantity and allotment percentage Class 3 (Native) spearmint oil from the 2017–2018 marketing year levels.

As noted earlier, the Committee's recommendation to establish salable quantities and allotment percentages for both classes of spearmint oil was made after careful consideration of all available information including: (1) The estimated quantity of salable oil of each class held by producers and handlers;

(2) the estimated demand for each class of oil; (3) the prospective production of each class of oil; (4) the total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity.

Based on its review, the Committee believes that the salable quantities and allotment percentages recommended would achieve the objectives sought. The Committee also believes that, should there be no volume regulation in effect for the upcoming marketing year, the Far West spearmint oil industry would return to the pronounced cyclical price patterns that occurred prior to the promulgation of the Order. As previously stated, annual salable quantities and allotment percentages have been issued for both classes of spearmint oil since the Order's inception. The salable quantities and allotment percentages proposed herein are expected to facilitate the goal of maintaining orderly marketing conditions for Far West spearmint oil for the 2018–2019 and future marketing years.

Costs to producers and handlers, large and small, resulting from this proposal are expected to be offset by the benefits derived from a more stable market and increased returns. The benefits of this rule are expected to be equally available to all producers 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 OMB and assigned OMB No. 0581–0178, Specialty Crops Program. No changes are necessary in those requirements as a result of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would establish the salable quantities and allotment percentages for Class 1 (Scotch) spearmint oil and Class 3 (Native) spearmint oil produced in the Far West during the 2018–2019 marketing year. Accordingly, this proposal would not impose any additional reporting or recordkeeping requirements on either small or large spearmint oil producers or handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public-sector agencies.

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

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

In addition, the Committee's meeting was widely publicized throughout the spearmint oil industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the October 25, 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 informational impacts of this action on small businesses.

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 60-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is proposed to be amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

■ 1. The authority citation for 7 CFR part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Revise § 985.233 to read as follows:

§ 985.233 Salable quantities and allotment percentages.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year beginning on June 1, 2018, shall be as follows:

(a) Class 1 (Scotch) oil—a salable quantity of 760,660 pounds and an allotment percentage of 35 percent.

(b) Class 3 (Native) oil—a salable quantity of 1,307,947 pounds and an allotment percentage of 53 percent.

§ 985.234 [Removed].

§ 985.235 [Removed].

■ 3. Remove §§ 985.234 and 985.235.

Dated: April 2, 2018

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2018–06973 Filed 4–5–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1206

[Document No. AMS–SC–17–0002]

Mango Promotion, Research and Information Order; Amendment To Include Frozen Mangos

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on amending the Agricultural Marketing Service's (AMS) regulations regarding a fresh mango national research and promotion program to include frozen mangos as a covered commodity. Additionally, this proposal announces AMS' intent to request approval by the Office of Management and Budget (OMB) of new information collection requirements necessary to include frozen mangos under the program.

DATES: Comments must be received by June 5, 2018. Pursuant to the Paperwork Reduction Act, comments on the information collection burden that would result from this proposal must be received by June 5, 2018.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments may be submitted on the internet at: *http://www.regulations.gov.* Comments may also be sent to the Promotion and Economics Division, Specialty Crops Program, AMS, USDA, Room 1406–S, Stop 0244, 1400 Independence Avenue SW, Washington, DC 20250–0244; facsimile: (202) 205–2800. All comments submitted should reference the document number and page number of this issue of the **Federal Register** and will be made available for public inspection, including name and address,

if provided, in the above office during regular business hours or it can be viewed at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jeanette Palmer, Marketing Specialist, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Room 1406–S, Stop 0244, Washington, DC 20250–0244; telephone: (202) 720–9915; facsimile: (202) 205–2800; email: *Jeanette.Palmer@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This proposal affecting 7 CFR part 1206 is authorized under the Commodity Promotion, Research, and Information Act of 1996 (1996 Act) (7 U.S.C. 7411–7425).

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules and promoting flexibility. This action falls within a category of regulatory actions that the 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).

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Order 12988

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have a retroactive effect. Section 524 of the 1996 Act (7 U.S.C. 7423) provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the 1996 Act (7 U.S.C. 7418), a person subject to an order may file a written petition with USDA stating that an order, any provision of an order, or any obligation imposed in connection with an order, is not established in accordance with the law, and request a modification of an order or an exemption from an order. Any petition filed challenging an order, any provision of an order, or any obligation imposed in connection with an order, shall be filed within two years after the effective date of an order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, USDA will issue a ruling on the petition. The Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of USDA's final ruling.

Background

This proposal invites comments on amending AMS' regulations regarding a fresh mango national research and promotion program to include frozen mangos as a covered commodity. The program is administered by the Board with oversight by USDA. This proposal would add definitions to the regulations for frozen mangos and foreign processor of frozen mangos; expand the Board's membership from 18 to 21 by adding two importers of frozen mangos and one foreign processor of frozen mangos; assess frozen mangos at a rate of $0.01 per pound; exempt from assessment importers who import less than 200,000 pounds of frozen mangos annually; and make clarifying and conforming changes to other provisions of the program. This action was recommended by the Board in November 2016 and would allow frozen mango stakeholders to participate in a coordinated effort to maintain and expand the market for frozen mangos. This proposal would also update the definition for the term ''Board'' to reflect current practices. Additionally, this proposal announces AMS' intent to request approval by the OMB of new information collection requirements necessary to include frozen mangos under the program.

Overview of Current Mango Program

The fresh mango research and promotion program took effect in November 2004 (69 FR 59120) and assessment collection began in January 2005. Under the current program, assessments are collected from first handlers and importers of 500,000 pounds or more of fresh mangos annually. Assessments are used by the Board for projects designed to maintain and expand existing markets for fresh mangos in the United States.

Table 1 below shows the volume, value and price per pound for fresh mango imports into the United States from 2005 through 2016.[1] Imports of fresh mangos have increased from about 575 million pounds in 2005 (valued at about $169 million) to almost 985 million pounds in 2016 (valued at $420 million). The price per pound for fresh mango imports has increased from $0.29 in 2005 to $0.43 in 2016. In 2016, about 45 percent of the mangos imported into the United States were from Mexico, 22 percent were from Ecuador, and 18 percent were from Peru.

TABLE 1—VOLUME, VALUE AND PRICE/POUND FOR FRESH MANGO IMPORTS 2005–2016

Year	Imports (pounds) (A)	Value (B)	Price/ pound (C)
2016	984,554,112	$420,291,061	$0.43
2015	861,384,226	401,260,865	0.47
2014	827,108,732	372,298,536	0.45
2013	766,477,061	296,953,865	0.39
2012	706,690,535	248,410,276	0.35
2011	810,404,105	284,744,341	0.35
2010	706,690,535	248,410,276	0.35

[1] *https://apps.fas.usda.gov/gats/default.aspx.*

TABLE 1—VOLUME, VALUE AND PRICE/POUND FOR FRESH MANGO IMPORTS 2005–2016—Continued

Year	Imports (pounds) (A)	Value (B)	Price/ pound (C)
2009	633,703,998	217,448,516	0.34
2008	655,825,602	210,884,833	0.32
2007	650,918,405	196,062,305	0.30
2006	644,579,545	209,650,045	0.33
2005	575,057,320	169,117,171	0.29

Column C equals Column B divided by Column A.

Assessment revenue under the fresh mango program increased from $3,293,825 [2] in 2007 to $7,374,170 [3] in 2016. In 2016, less than one percent of the total assessments were from domestic handlers as the vast majority of assessments were collected from importers. The assessment rate under the current program for fresh mangos is $0.0075 per pound, pursuant to § 1206.42(b).

Since 2008, the Board has invested over $34 million of industry funds to help increase mango consumption among U.S. consumers. The Board has funded promotional programs with consumers, retailers and restaurants within the United States. Retail stores of all sizes are promoting mangos all year round, while restaurants all over the country are offering their customers more mango dishes. Consumers are learning more about mangos from multiple media sources and the demand for mangos increased due to the Board's investments in educating consumers about the health benefits of eating mangos.

There have been two economic studies done since the program's inception in 2004 that assessed the effectiveness of the Board's programs. The studies were conducted by Dr. Ronald Ward at the University of Florida and published in 2011 and 2016 and are titled ''*Estimating the Impact of the National Mango Board's Programs on the U.S. Demand for Mangos.*'' The 2016 study built on the 2011 study and found that, for each dollar spent by the Board, approximately 11 to 12 times that was generated in sales. This return on investment indicates the program's success in moving the demand for mangos. The studies are available from USDA or the Board.

Frozen Mango Data

Table 2 below shows the volume, value and price per pound for frozen mango imports into the United States from 2005 through 2016.[4] Imports of frozen mangos have increased from almost 32 million pounds in 2005 (valued at about $14 million) to almost 118 million pounds in 2016 (valued at $101 million). The price per pound for frozen mango imports has increased from $0.46 in 2005 to $0.86 in 2016. In 2016, over half of the imports of frozen mangos into the United States were from Mexico, 33 percent were from Peru, and 2 percent were from Guatemala.

TABLE 2—VOLUME, VALUE AND PRICE/POUND FOR FROZEN MANGO IMPORTS 2005–2016

Year	Imports (pounds) (A)	Value (B)	Price/ pound (C)
2016	117,724,239	$101,204,418	$0.86
2015	139,492,136	131,155,555	0.94
2014	116,950,534	82,257,399	0.70
2013	128,109,849	80,929,782	0.63
2012	91,630,515	54,466,961	0.59
2011	88,121,973	49,291,591	0.56
2010	64,688,410	38,581,629	0.60
2009	30,178,419	21,619,646	0.72
2008	51,756,422	32,298,845	0.62
2007	52,832,786	29,982,510	0.57
2006	44,351,020	22,447,677	0.51
2005	31,657,933	14,473,533	0.46

Column C equals Column B divided by Column A.

Board Recommendation

Because of the current program's success for the fresh mango market, those who sell frozen mangos have been interested in becoming part of the program. Mango producers often sell their mangos for use by both the fresh and processed markets. Handlers and importers may include all mango product categories in their businesses. However, Board promotion efforts only support mangos for the fresh market.

Thus, the Board recommended amending part 1206 to include frozen mangos. This would allow frozen mango stakeholders to participate in a coordinated effort to maintain and expand the existing market for frozen

[2] National Mango Promotion Board, Financial Statements Year Ending December 31, 2007; Cross, Fernandez & Riley, LLP, Accountants and Consultants; April 18, 2008; p. 13.

[3] National Mango Promotion Board, Financial Statements and Supplementary Information Years Ending December 31, 2016 and 2015; BDO USA, LLP; March 15, 2017; p. 17.

[4] *https://apps.fas.usda.gov/gats/default.aspx.*

mangos. These efforts would be accomplished through Board activities including promotion, research, consumer information, education and industry information. By collaborating within the existing national mango promotion program, frozen mango stakeholders could provide to consumers more information on the various uses and benefits of frozen mangos in order to increase demand for the commodity.

Accordingly, several changes to part 1206 would be necessary to expand the program to include frozen mangos. These changes are described in the following paragraphs. Authority for the Board to recommend changes to part 1206 is provided in § 1206.36(m).

Definitions

Frozen Mangos

The term ''mangos'' is defined in § 1206.11 to mean all *fresh* fruit of *Mangifera indica L.* of the family *Anacardiaceae.* The term would be revised to mean the fruit of *Mangifera indica L.* of the family *Anacardiaceae* and would include both fresh and frozen mangos. Separate definitions would be added in new paragraphs (a) and (b) of § 1206.11 for fresh and frozen mangos, respectively. ''Fresh mangos'' would mean mangos in their fresh form. ''Frozen mangos'' would mean mangos which are uncooked or cooked by steaming or boiling in water, and then frozen, whether or not containing added sugar or other sweetening agent.

Foreign Processor of Frozen Mangos

A definition would be added to part 1206 for ''foreign processor of frozen mangos.'' Section 1206.8 which currently defines the term ''foreign producer'' would be redesignated as § 1206.8a, and a new § 1206.8 would define the term ''foreign processor of frozen mangos'' or ''foreign processor'' to mean any person: (a) Who is engaged in the preparation of frozen mangos for market to the United States and/or who owns or shares the ownership and risk of loss of such mangos; and (b) who exports frozen mangos to the United States. As described later in this document, a foreign processor would also have a seat on the Board.

Additionally, §§ 1206.6 and 1206.9 which define the terms ''first handler'' and ''importer,'' respectively, to mean entities that handle or import 500,000 pounds or more of mangos annually would be revised to remove the references to volume for the purpose of clarity. There are other sections in part 1206 that apply to all first handlers and importers regardless of the volume of mangos handled or imported (*i.e.,* § 1206.61 regarding books and records and § 1206.62 regarding confidential treatment thereof). Thus, the definition of the terms ''first handler'' and ''importer'' would be revised to mean *all* such entities, regardless of the volume of mangos handled or imported. Other sections of part 1206 where the volume handled or imported is relevant would specify the applicable figure.

Mango Board

Establishment and Membership

Section 1206.30(a) regarding establishment and membership of the Board specifies that the Board be composed of 18 members—8 importers, 1 first handler, 2 domestic producers and 7 foreign producers. This section would be revised to add three Board seats—two for importers of frozen mangos and one for a foreign processor of frozen mangos.

The Board's rationale for recommending the addition of three seats representing the frozen mango industry is based on a review of import data. Table 3 below shows fresh and frozen mango import data for 2014–2016.[5] Fresh and frozen mango imports account for an average of 88 and 12 percent, respectively, of the total volume of imports for the 3-year period.

TABLE 3—FRESH AND FROZEN MANGO IMPORT VOLUMES 2014–2016

Year	Fresh mango imports (pounds)	Frozen mango imports (pounds)	Total fresh and frozen mango imports (pounds)
2016	984,554,112	117,724,239	1,102,278,350
2015	861,384,226	139,492,136	1,000,876,362
2014	827,108,732	116,950,534	944,059,266
3-Year Average	891,015,690	124,722,303	1,015,737,993
Percent of Total	[1] 88	[2] 12	

[1] This figure equals the 3-year average of 891,015,690 for fresh mango imports divided by the total mango import figure of 1,015,737,993, multiplied by 100.

[2] This figure equals the 3-year average of 124,722,303 for frozen mango imports divided by the total mango import figure of 1,015,737,993, multiplied by 100.

Imports of fresh mangos account for over 99 percent of the assessments under the current program. On the current 18-member Board, 15 out of the 18 seats (about 83 percent) are for importers and foreign producers. If three Board seats are added to represent frozen mango imports (two importers and one foreign processor), then 18 of the new 21-member Board (almost 87 percent) would represent foreign mangos. Further, 3 of the 18 foreign-product seats (importers and foreign producers) would represent frozen imported mangos (almost 17 percent) and the remaining 15 seats (over 83 percent) would represent fresh imported mangos. The Board's recommendation regarding frozen mango representation on the Board is reasonable and § 1206.30(a) would be revised accordingly.

Additionally, a sentence would be added to § 1206.30(a) to specify that first handler Board members must receive 500,000 pounds or more of fresh mangos annually from producers, and importer Board members must import 500,000 pounds or more of fresh mangos or 200,000 pounds or more of frozen mangos annually. These requirements are part of the current de minimis exemption for the program (*see* § 1206.43 Exemptions), added to the Establishment and Membership section in § 1206.30 for clarification as to who is covered under the program.

Section 1206.30(b) defines Customs Districts within the United States that are used for allocating importer Board seats based on the volume of mangos imported into each respective district. This section would be revised to state that the two Board seats for importers of

[5] *https://apps.fas.usda.gov/gats/default.aspx.*

frozen mangos shall be allocated for importers who import into any of the districts (or ''at-large'') defined in paragraphs (1) through (4) of § 1206.30(b). The Board recommended that these two seats be at-large to allow nominees from all four districts. This could encourage participation on the Board from this new group regardless of their location.

Nominations and Appointments

Section 1206.31 prescribes procedures for nominating and appointing Board members. Board staff solicits nominees for first handler, fresh mango importer, and domestic producer member positions and voting is conducted by mail ballot. Nominees to fill the foreign producer member positions are solicited from foreign producers and from foreign producer organizations. From the nominations, the Secretary of Agriculture then selects the members of the Board.

This section would be revised to specify procedures for nominating foreign processors and importers of frozen mangos. The procedures would be similar to those in place for first handlers and importers of fresh mangos. Nominees to fill the foreign processor seat would be solicited from foreign mango organizations and from foreign processors. Foreign mango organizations would submit two nominees for each position, and foreign processors could submit their own name or the names of other foreign processors directly to the Board. The nominees would represent the major countries exporting frozen mangos to the United States.

Nominees to fill the two at-large seats on the Board would be solicited from all known importers of frozen mangos. The members from each district would select the nominees for the two at-large positions on the Board. Two nominees would be submitted for each position. The names of the nominees would be placed on a ballot that would be sent to importers of frozen mangos in each of the four districts for a vote. For each position, the nominee receiving the highest number of votes and the nominee receiving the second highest number of votes would be submitted to USDA as the first and second choice nominees.

Accordingly, in § 1206.31, paragraph (e) which prescribes nomination procedures for fresh mango importers, would be revised to clarify that the procedures pertain to *fresh* mango importers. Further, paragraph (h) would be redesignated as paragraph (k), a new paragraph (h) would be added to specify procedures for nominating foreign processors, and a new paragraph (i) would be added to specify procedures for nominating frozen mango importers.

A new paragraph (j) would be added to § 1206.31 to clarify that first handler nominees for a Board position must receive more than 500,000 pounds of fresh mangos annually from producers, and importers must import 500,000 pounds or more of fresh mangos annually or 200,000 pounds or more of frozen mangos annually.

Term of Office

Section 1206.32 specifies that Board members serve for a 3-year term of office. Members may serve a maximum of two consecutive 3-year terms. This section would be revised to include the new positions for importers of frozen mangos and foreign processors. Similar to the other Board members, the term of office for the new positions would be 3 years, and no member could serve on the Board for more than two consecutive 3-year terms.

Procedure

Section 1206.34(a) specifies that a quorum for the current 18-member board consists of 10 members. The proposed rule would increase the number of Board seats from 18 to 21, which would necessitate an increase in quorum requirements. Therefore, this section would be revised to specify that it would be considered a quorum at a Board meeting when at least 11 of the 21 Board members were present.

Assessments

Section 1206.42(b) specifies that the assessment rate is three quarters of a cent ($0.0075) per pound on all mangos (fresh). Pursuant to paragraph (d) of § 1206.42, import assessments are collected through U.S. Customs and Border Protection (Customs). Pursuant to paragraph (e) of that section, first handlers must submit their assessments to the Board on a monthly basis.

In its deliberations on the proposed assessment rate for frozen mangos, the Board considered the current assessment rate for fresh mangos of $0.0075 per pound. Board members took into account that it takes 2.5 pounds of fresh mangos to make one pound of frozen mangos.[6] If the fresh equivalent assessment rate were applied to frozen mangos, frozen mango importers would pay an assessment of approximately $0.019 per pound, which is 2.5 times the fresh mango assessment rate. Additionally, according to the Board, manufacturing costs are higher for frozen mangos than for fresh mangos because the fruit has been processed.

The Board also considered assessment revenue as a percentage of value. Board members refer to this computation as the ''Mango Reinvestment Rate'' or MRR. To compute this for fresh mangos, assessment revenue is divided by the value of imported fresh product. The 3-year average for 2014–2016 for fresh mangos is 1.71 percent. The computation is shown in Table 4 below.

TABLE 4—ASSESSMENT REVENUE AS PERCENTAGE OF VALUE FOR FRESH MANGOS

Year	Assessment revenue (A)	Value (B)	Revenue as a percent of value (C)
2016	$7,374,170	$101,204,418	1.75
2015	6,785,156	131,155,555	1.69
2014	6,249,918	82,257,399	1.68
3-yr average	.....	.....	1.71

Column (C) is computed by dividing Column A by Column B, and multiplying that figure by 100.

[6] Kader, Adel A.; Fresh Cut Mangos as a Value-Added Product (Literature Review and Interviews); October 2. 2008; page 20.

The 1.71 percent MRR was shared with importers and processors of frozen mangos. A majority of the importers and processors contacted indicated that, while the MRR computation seems equitable, expenses are higher and the profit margins are lower for frozen mangos. The industry members contacted indicated that a MRR between 1.0 and 1.5 percent was more in line with what they saw as equitable for the frozen mango industry.

Thus, the Board ultimately recommended an assessment rate for frozen mangos of $0.01 per pound. As shown in Table 5 below, this computes to an average MRR of 1.21 percent for 2014–2016. Additionally, only imports of frozen mangos would be assessed at this rate because first handlers in the United States receive only fresh mangos from producers.

TABLE 5—PROJECTED ASSESSMENT REVENUE AS PERCENTAGE OF VALUE FOR FROZEN MANGOS

Year	Imports (pounds) (A)	Value (B)	Assessment rate (per pound) (C)	Projected assessment revenue (D)	Revenue as a percent of value (E)
2016	117,724,239	$101,204,418	$0.01	$1,177,242	1.16
2015	139,492,136	131,155,555	0.01	1,394,921	1.06
2014	116,950,534	82,257,399	0.01	1,169,505	1.42
3-yr average	.....	.....	.....	.....	1.21

Column D is computed by multiplying Column B by Column C.
Column E is computed by dividing Column A by Column B, and multiplying that figure by 100.

Accordingly, in § 1206.42, paragraph (b) would be revised to specify an assessment rate of $0.01 per pound for frozen mangos, and paragraph (d)(2) would be revised to include the numbers for frozen mangos listed in the Harmonized Tariff Schedule (HTS) of the United States and update the HTS numbers for fresh mango imports. Section 517(d) of the 1996 Act (7 U.S.C. 7416) provides authority for one or more rates of assessment to be levied under a research and promotion program.

Exemptions

Section 1206.43 specifies that first handlers and importers of less than 500,000 pounds of mangos (fresh) may claim an exemption from the assessment obligation. The Board recommended revising the section to specify that importers of less than 200,000 pounds of frozen mangos be exempt from assessment. This was derived by taking into account the ratio for converting fresh mangos into frozen mangos (2.5 pounds of fresh to make 1 pound of frozen). Multiplying the factor 0.4 (1 pound frozen divided by 2.5 pounds fresh) by the fresh mango exemption of 500,000 pounds computes to 200,000 pounds. Paragraphs (a) and (b) in § 1206.43 would be revised accordingly. (First handlers only receive fresh mangos from domestic producers. Thus, the exemption threshold for frozen mangos would only apply to importers.)

Subpart B of part 1206 specifies procedures for conducting a referendum. In § 1206.101, paragraphs (c) and (d), respectively, define eligible first handlers and importers of 500,000 pounds or more of mangos (fresh) annually. This section would be revised to specify that importers of 200,000 pounds or more of frozen mangos would be eligible to vote in referenda.

Further, this proposal would revise the term ''Board'' as defined in § 1206.2 from the ''National Mango Promotion Board'' to ''National Mango Board'' to reflect current practices. The term as it appears in § 1206.30 and in the undesignated heading preceding § 1206.30 would also be revised to read ''National Mango Board.'' Finally, this proposal would update the OMB control number specified in § 1206.78 from 0581–0209 to 0581–0093.

Initial Regulatory Flexibility Act Analysis

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS is required to examine the impact of the proposed rule on small entities. Accordingly, AMS has considered the economic impact of this action on such entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. The Small Business Administration defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than $750,000 and small agricultural service firms (first handlers and importers) as those having annual receipts of no more than $7.5 million.

According to the Board, there are five first handlers of fresh mangos. Based on 2016 assessment data, the majority of first handlers handled less than $7.5 million worth of fresh mangos and would thus be considered small entities.

Based on 2016 Customs data, there are about 275 importers of fresh mangos and 190 importers of frozen mangos. The majority of fresh and frozen mango importers import less than $7.5 million worth of fresh or frozen mangos and would also be considered small entities.

This proposal invites comments on amending AMS' regulations regarding a fresh mango national research and promotion program to include frozen mangos as a covered commodity. The program is administered by the Board with oversight by USDA. This proposal would add definitions for frozen mangos (§ 1206.11) and foreign processor of frozen mangos (§ 1206.8); expand the Board's membership from 18 to 21 by adding two importers of frozen mangos and one foreign processor of frozen mangos (§§ 1206.30 and 1206.31); assess frozen mangos at a rate of $0.01 per pound (§ 1206.42); exempt from assessment importers who import less than 200,000 pounds of frozen mangos annually (§ 1206.43); and make clarifying and conforming changes to other provisions in part 1206 (revisions would be made to clarify the definitions for first handler (§ 1206.6) and importer (§ 1206.9); quorum requirements would be revised (§ 1206.34); and definitions for importers eligible to vote in referenda would be revised (§ 1206.101)). Authority for amending part 1206 is provided in § 1206.36(m) and in section 514 of the 1996 Act. This proposal would also update the definition of term ''Board'' to reflect current practices (§ 1206.2, the heading preceding § 1206.30, and § 1206.30). Section 1206.2 provides authority for revising the term ''Board.'' Finally, this proposal would update one of the OMB numbers (0581–0209) listed in § 1206.78.

Mango producers are not subject to assessment under the program. Currently, first handlers and importers of less than 500,000 pounds of fresh mangos annually are exempt from assessment. Further, organic mangos and exports of U.S. mangos are also exempt from assessment under the program.

Regarding the economic impact of this proposed rule on affected entities, importers of 200,000 pounds or more of frozen mangos annually would pay an assessment of $0.01 per pound. Based on Customs data, of the 190 importers of frozen mangos, about 60 imported 200,000 pounds or more in 2016 and would pay assessments, and thus 130 importers imported less than 200,000 pounds and would be exempt from paying assessments under the program. Exempt importers would be able to apply to the Board for a refund of assessments funds collected by Customs. Those requirements are detailed in the section of this document titled Paperwork Reduction Act. (The update to the term Board is administrative in nature.)

Regarding the impact of this proposed action on the industry as a whole, as shown previously in Table 3, imports of frozen mangos averaged about 125 million pounds annually from 2014–2016. At an assessment rate of $0.01 per pound, this would equate to about $1.25 million per year in assessment revenue.

Further, this action would allow frozen mango stakeholders to participate in a coordinated effort to maintain and expand the existing market for frozen mangos. These efforts would be accomplished through Board activities including promotion, research, consumer information, education and industry information. By collaborating within the existing national mango promotion program, frozen mango stakeholders could provide to consumers more information on the various uses and benefits of frozen mangos in order to increase demand for the commodity.

With regard to alternatives, the Board contemplated the merits of assessing all processed mangos (*i.e.,* frozen as well as juice and concentrate). The Board's staff attended several process tradeshows, conferences, and other events to garner support for the mango program. After several outreach activities, the frozen mango industry demonstrated the highest response out of the other process categories to include under the mango program.

As for alternative assessment rates, as previously mentioned, the Board considered the current assessment rate for fresh mangos of $0.0075 per pound. However, if the fresh equivalent assessment rate were applied to frozen mangos, frozen mango importers would pay an assessment of approximately $0.019 per pound, which is 2.5 times the fresh mango assessment rate. (It takes 2.5 pounds of fresh mangos to make one pound of frozen mangos.) Additionally, according to the Board, manufacturing costs are higher for frozen mangos than for fresh mangos because the fruit has been processed.

The Board also considered assessment revenue as a percentage of value. Board members refer to this computation as the ''Mango Reinvestment Rate'' or MRR. To compute this for fresh mangos, assessment revenue is divided by the value imported fresh product. The 3-year average for 2014–2016 for fresh mangos is 1.71 percent. The computation was shown previously in Table 4. The 1.71 percent MRR was shared with importers and processors of frozen mangos. A majority of the importers and processors contacted indicated that, while the MRR computation seems equitable, expenses are higher and the profit margins are lower for frozen mangos. Industry members contacted indicated that a MRR between 1.0 and 1.5 percent was more in line with what they saw as equitable for the frozen mango industry. Thus, the Board ultimately recommended an assessment rate for frozen mangos of $0.01 per pound. As shown previously in Table 5, this computes to an average MRR of 1.21 percent for 2014–2016.

The Board also considered alternative exemption thresholds. When the Board initially contemplated amending the mango regulations, it considered all categories of processed mangos, including juice, concentrate and frozen. Each of these categories has a different conversion ratio, or amount of fresh mangos that it takes to make the respective processed fruit. At that time, the Board considered an exemption threshold of 45,000 pounds. When the Board decided to pursue amending the program to include only frozen mangos, the Board also decided to recommend an exemption threshold of 200,000 pounds. This was based on the industry average ratio of 0.4 for converting fresh mangos into frozen mangos (2.5 pounds of fresh mangos to make one pound of frozen mangos). Multiplying the fresh mango exemption threshold of 500,000 pounds by the 0.4 ratio equals 200,000 pounds. Thus, the Board recommended an exemption threshold of 200,000 pounds for frozen mangos.

This action would impose additional reporting and recordkeeping requirements upon importers and processors of frozen mangos. Importers and foreign processors of frozen mangos who were eligible and interested in serving on the Board would submit a nomination form to the Board indicating their desire to serve or nominate another industry member to serve on the Board. Importers could cast a ballot and vote for candidates to serve on the Board. Frozen mango importer and foreign processor nominees would have to submit a background form to the Secretary to ensure they are qualified to serve on the Board.

Additionally, importers of frozen mangos who import less than 200,000 pounds annually could request an exemption from paying assessments. Importers of organic frozen mangos could submit a request to the Board for an exemption from assessment for their organic mango imports. Importers could also request a refund of assessments paid through Customs.

Finally, frozen mango importers who want to participate in future referenda on the program would have to complete a ballot for submission to the Secretary.

New forms are required to collect the referenced information. These forms will be submitted to OMB for approval under OMB Control No. 0581–NEW. Specific burdens for the forms are detailed later in this document in the section titled Paperwork Reduction Act. As with all Federal promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. Finally, there are no Federal rules that duplicate, overlap, or conflict with this proposed rule.

In regard to outreach efforts, in 2015 the Board commissioned a study to determine industry support for amending part 1206. Processed mango importers responded in favor of amending the program. The survey respondents represented 72 percent of the imported processed mango volume. The Board also hosted a webinar in June 2015 and invited all known importers of processed mangos to participate. Fifteen industry members participated in the webinar. Of the attendees, 95 percent supported amending the program to include processed mangos. Two importers of frozen mangos participated in the Board's meeting in September 2015 where this issue was discussed.

In 2016, Board representatives attended tradeshows and conferences for processed fruit products in the U.S. and visited several mango producing regions and receiving ports in order to meet with processors and importers to discuss amending the program. Board representatives attended 21 meetings

with frozen mango importers of record. The Board subsequently conducted another survey where 74 companies were contacted via electronic mail and telephone calls. For the companies that participated in the survey, 71 percent were in favor of amending the program to include frozen mangos. The Board continues to educate and update the mango industry on its marketing activities.

AMS has performed this initial RFA regarding the impact of this proposed amendment to part 1206 on small entities and invites comments concerning potential effects of this amendment on small businesses.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), AMS announces its intention to request an approval of new information collection and recordkeeping requirements for the frozen mango industry. Information collection and recordkeeping requirements for the fresh mango program (part 1206) have previously been approved under OMB control nos. 0581–0093 and 0505–0001. Upon approval of this action and associated burden, AMS would submit a Justification for Change to merge this new burden for frozen mangos into the currently approved collection for fresh mangos.

Title: Frozen mango research, promotion and consumer information program.

OMB Number: 0581—NEW.

Type of Request: New information collection for research and promotion programs.

Abstract: The information collection requirements in the request are essential to carry out the intent of the 1996 Act. The information collection concerns a recommendation received by USDA to amend the fresh mango national research and promotion program (part 1206) to include frozen mangos. The program is currently financed by an assessment on first handlers and importers of 500,000 pounds or more fresh mangos annually. The program is administered by the Board with oversight by USDA.

In November 2016, the Board recommended amending part 1206 to include frozen mangos. Importers of 200,000 or more frozen mangos annually would pay assessments. The Board would be expanded from 18 to 21 members by adding two importers of frozen mangos and one foreign processor of frozen mangos. This action would allow frozen mango stakeholders to participate in a coordinated effort to maintain and expand the market for frozen mangos.

In summary, the information collection requirements regarding frozen mangos pertain to Board nominations, the collection of assessments, and referenda. Frozen mango importers and foreign processors interested in serving on the Board would submit a ''Nomination Form'' to the Board indicating their desire to serve or to nominate another industry member to serve on the Board. They could submit a ''Nomination Ballot'' to the Board where they would vote for candidates to serve on the Board. Nominees would also have to submit a background information form, ''AD–755,'' to the Secretary to ensure they are qualified to serve. Frozen mango importers of less than 200,000 pounds annually could submit a request, ''Application for Exemption from Assessments,'' to the Board and request a refund of any assessments paid using proposed form ''Application for Reimbursement of Assessment.'' (Import assessments would be collected by Customs and remitted to the Board.) Importers of organic frozen mangos could also apply to the Board for an exemption from assessment. Finally, importers of frozen mangos would have the opportunity to vote in future referenda on the program.

This new information collection would impose a total burden of 167.37 hours and 287.48 responses for 190 respondents. New information collection requirements that are included in this proposal pertaining to the frozen mango industry include:

(1) Nomination Form

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.25 hour per response.

Respondents: Importers of 200,000 pounds or more of frozen mangos annually and foreign processors.

Estimated Number of Respondents: 20.

Estimated Number of Responses per Respondent: .33 (1 every 3 years).

Estimated Total Annual Burden on Respondents: 1.65 hours.

(2) Nomination Ballot

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.25 hour per response.

Respondents: Importers of 200,000 pounds or more of frozen mangos annually and foreign processors.

Estimated Number of Respondents: 30.

Estimated Number of Responses per Respondent: .33 (1 every 3 years).

Estimated Total Annual Burden on Respondents: 2.48 hours.

(3) Application for Exemption From Assessments

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.25 hour per response. Upon approval, the applicant would receive exemption certification.

Respondents: Importers of less than 200,000 pounds of frozen mangos annually.

Estimated Number of Respondents: 130.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 32.5 hours.

(4) Application for Reimbursement of Assessment

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.25 hour per response.

Respondents: Importers of less than 200,000 pounds of frozen mangos annually.

Estimated Number of Respondents: 130.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 32.5 hours.

(5) Organic Exemption Request Form

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.25 hour per response.

Respondents: Importers of 200,000 pounds or more of organic frozen mangos annually.

Estimated Number of Respondents: 5.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 1.25 hours.

(6) Referendum Ballot

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.25 hour per response.

Respondents: Importers of 200,000 pounds or more of frozen mangos annually.

Estimated Number of Respondents: 20.

Estimated Number of Responses per Respondent: .20 (1 every 5 years).

Estimated Total Annual Burden on Respondents: 1.0 hours.

(7) Background Information Form AD—755 (OMB Form No. 0505–0001)

Estimate of Burden: Public reporting burden for this collection of information

is estimated to average 0.5 hour per response.

Respondents: Importers of 200,000 pounds or more of frozen mangos and foreign processors.

Estimated Number of Respondents: 6.

Estimated Number of Responses per Respondent: .33 (1 every 3 years).

Estimated Total Annual Burden on Respondents: 1.0 hour.

(8) A Requirement To Maintain Records Sufficient To Verify Reports Submitted Under Part 1206

Estimate of Burden: Public recordkeeping burden for keeping this information is estimated to average 0.5 hour per record keeper maintaining such records.

Recordkeepers: Importers of frozen mangos.

Estimated number of recordkeepers: 190 (130 exempt and 60 assessment payers).

Estimated total recordkeeping hours: 95 hours.

An estimated 190 respondents would provide information to the Board. The estimated cost of providing the information to the Board by respondents would be $2,870.90. This total has been estimated by multiplying 95 total hours required for reporting and recordkeeping by $30.22, the average mean hourly earnings of importers. Data for computation of this hourly rate was obtained from the U.S. Department of Labor Statistics.

The proposed revisions to the fresh mango program have been carefully reviewed, and every effort has been made to minimize any unnecessary recordkeeping costs or requirements, including efforts to utilize information already submitted under other programs administered by USDA and other state programs.

The proposed forms would require the minimum information necessary to effectively carry out the requirements of the program, and their use is necessary to fulfill the intent of the 1996 Act. Such information can be supplied without data processing equipment or outside technical expertise. In addition, there are no additional training requirements for individuals filling out reports and remitting assessments to the Board. The forms would be simple, easy to understand, and place as small a burden as possible on the person required to file the information.

The information to be included on these forms is not available from other sources because such information relates specifically to individual importers and processors of frozen mangos who would be subject to the provisions of the 1996 Act. Therefore, there is no practical method for collecting the required information without the use of these forms.

Request for Public Comment Under the Paperwork Reduction Act

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of functions of the proposed amended program and USDA's oversight of the proposed amended program, including whether the information would have practical utility; (b) the accuracy of USDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) the accuracy of USDA's estimate of the number of importers of frozen mangos that would be covered under the program; (d) ways to enhance the quality, utility, and clarity of the information to be collected; and (e) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments concerning the information collection requirements contained in this action should reference OMB No. 0581–NEW. In addition, the document number, date, and page number of this issue of the **Federal Register** also should be referenced. Comments should be sent to the same addresses referenced in the **ADDRESSES** section of this proposed rule.

OMB is required to make a decision concerning the collection of information contained in this proposed rule between 30 and 60 days after publication. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

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 determined that this proposed rule is consistent with and would effectuate the purposes of the 1996 Act.

A 60-day comment period is provided to allow interested persons to respond to this proposal. All written comments received in response to this proposed rule by the date specified would be considered prior to finalizing this action.

List of Subjects in 7 CFR Part 1206

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Mango promotion, Reporting and recording requirements.

For the reasons set forth in the preamble, 7 CFR part 1206 is proposed to be amended as follows:

PART 1206—MANGO RESEARCH, PROMOTION, AND INFORMATION ORDER

■ 1. The authority citation for 7 CFR part 1206 continues to read as follows:

Authority: 7 U.S.C. 7411–7425 and 7401.

■ 2. Revise § 1206.2 to read as follows:

§ 1206.2 Board.

Board or National Mango Board means the administrative body established pursuant to § 1206.30, or such other name as recommended by the Board and approved by the Department.

■ 3. Revise § 1206.6 to read as follows:

§ 1206.6 First handler.

First handler means any person (excluding a common or contract carrier) receiving fresh mangos from producers in a calendar year and who as owner, agent, or otherwise ships or causes mangos to be shipped as specified in this Order. This definition includes those engaged in the business of buying, selling and/or offering for sale; receiving; packing; grading; marketing; or distributing mangos in commercial quantities. The term first handler includes a producer who handles or markets mangos of the producer's own production.

■ 4. Amend § 1206.8 by revising the section heading, designating the introductory text as paragraph (a) and adding paragraph (b) to read as follows:

§ 1206.8 Foreign producers and foreign processor of frozen mangos or foreign processor.

* * * * *

(b) *Foreign processor of frozen mangos* or *foreign processor* means any person:

(1) Who is engaged in the preparation of frozen mangos for market to the United States and/or who owns or shares the ownership and risk of loss of such mangos; and

(2) Who exports frozen mangos to the United States.

■ 5. Revise § 1206.9 to read as follows:

§ 1206.9 Importer.

Importer means any person importing mangos into the United States in a calendar year as a principal or as an

agent, broker, or consignee of any person who produces or handles mangos outside of the United States for sale in the United States, and who is listed as the importer of record for such mangos.

■ 6. Revise § 1206.11 to read as follows:

§ 1206.11 Mangos.

Mangos means the fruit of *Mangifera indica L.* of the family *Anacardiaceae.* For purposes of this Order, the term mangos includes:

(a) *Fresh mangos,* which means mangos in their fresh form; and

(b) *Frozen mangos,* which means mangos that are uncooked or cooked by steaming or boiling in water, and then frozen, whether or not containing added sugar or other sweetening agent.

■ 7. Revise the undesignated center heading preceding

§ 1206.30 to read "National Mango Board."

■ 8. In § 1206.30, revise paragraph (a) and the introductory text of paragraph (b) to read as follows:

§ 1206.30 Establishment and membership.

(a) *Establishment of the National Mango Board.* There is hereby established a National Mango Board composed of eight importers of fresh mangos; one first handler of fresh mangos; two domestic producers of fresh mangos; seven foreign producers of fresh mangos; two importers of frozen mangos; and one foreign processor of frozen mangos. First handler Board members must receive 500,000 pounds or more of fresh mangos annually from producers, and importer Board members must import 500,000 pounds or more of fresh mangos or 200,000 pounds or more of frozen mangos annually. The chairperson shall reside in the United States and the Board office shall also be located in the United States.

(b) *Importer districts.* Board seats for importers of fresh mangos shall be allocated based on the volume of fresh mangos imported into the Customs Districts identified by their name and Code Number as defined in the Harmonized Tariff Schedule of the United States. Two seats shall be allocated for District I, three seats for District II, two seats for District III, and one seat for District IV. Two at-large seats shall be allocated for importers of frozen mangos who import into any of the four defined districts.

* * * * *

■ 9. In § 1206.31, revise paragraph (e), redesignate paragraph (h) as paragraph (k), and add new paragraphs (h), (i), and (j) to read as follows:

§ 1206.31 Nominations and appointments.

* * * * *

(e) Nominees to fill the fresh mango importer positions on the Board shall be solicited from all known importers of fresh mangos. The members from each district shall select the nominees for two positions on the Board. Two nominees shall be submitted for each position. The nominees shall be placed on a ballot which will be sent to fresh mango importers in the districts for a vote. For each position, the nominee receiving the highest number of votes and the nominee receiving the second highest number of votes shall be submitted to the Department as the fresh importers' first and second choice nominees.

* * * * *

(h) Nominees to fill the foreign processor of frozen mangos position on the Board shall be solicited from foreign mango organizations and from foreign processors. Foreign mango organizations shall submit two nominees for each position, and foreign processors may submit their name or the names of other foreign processors directly to the Board. The nominees shall represent the major countries exporting frozen mangos to the United States.

(i) Nominees to fill the at-large positions on the Board shall be solicited from all known importers of frozen mangos. The members from each district shall select the nominees for the two at-large positions on the Board. Two nominees shall be submitted for each position. The nominees shall be placed on a ballot which will be sent to importers of frozen mangos in each of the four districts for a vote. For each position, the nominee receiving the highest number of votes and the nominee receiving the second highest number of votes shall be submitted to the Department as the first and second choice nominees.

(j) First handler nominees must receive 500,000 pounds or more of fresh mangos annually from producers, and importer nominees must import 500,000 pounds or more of fresh mangos or 200,000 pounds or more of frozen mangos annually.

■ 10. Revise § 1206.32 to read as follows:

§ 1206.32 Term of office.

The term of office for first handler, importer, domestic producer, and foreign producer and foreign processor members of the Board will be three years. Members may serve a maximum of two consecutive three-year terms. Each term of office will end on December 31, with new terms of office beginning on January 1.

■ 11. In § 1206.34, revise paragraph (a) to read as follows:

§ 1206.34 Procedure.

(a) At a Board meeting, it will be considered a quorum when at least eleven voting members are present.

* * * * *

■ 12. In § 1206.42, revise paragraphs (b), (d)(1), (d)(2), (d)(3) and (d)(4) to read as follows:

§ 1206.42 Assessments.

* * * * *

(b) The assessment rate on all fresh mangos shall be three quarters of a cent ($0.0075) per pound (or $0.0165 per kg). The assessment rate on all frozen mangos shall be one cent ($0.01) per pound (or $0.022 per kg). The assessment rates will be reviewed periodically and may be modified by the Board with the approval of the Department.

* * * * *

(d) * * *

(1) The assessment rate for imported fresh mangos that are identified by the numbers 0804.50.4040 and 0804.50.6040 in the Harmonized Tariff Schedule (HTS) of the United States shall be the same or equivalent to the rate for mangos produced in the United States.

(2) The import assessment shall be uniformly applied to imported frozen mangos that are identified by the numbers 0804.50.4045, 0804.50.4055, 0804.50.6045, 0804.50.6055, and 0811.90.5200 in the Harmonized Tariff Schedule (HTS) of the United States shall be the same or equivalent to the rate for mangos produced in the United States.

(3) In the event that any HTS number subject to assessment is changed and such change is merely a replacement of a previous number and has no impact on the description of fresh mango and frozen mangos, assessments will continue to be collected based on the new numbers.

(4) The assessments due on imported mangos shall be paid when they enter or are withdrawn for consumption in the United States.

* * * * *

■ 13. In § 1206.43, revise paragraphs (a) and (b) to read as follows:

§ 1206.43 Exemptions.

(a) Any first handler of less than 500,000 pounds of fresh mangos per calendar year, or importer of less than 500,000 pounds of fresh mangos or less than 200,000 pounds of frozen mangos per calendar year may claim an exemption from the assessments required under § 1206.42. First handlers who export mangos from the United States may annually claim an exemption

from the assessments required under § 1206.42.

(b) A first handler or importer desiring an exemption shall apply to the Board, on a form provided by the Board, for a certificate of exemption. A first handler must certify that it will receive less than 500,000 pounds of domestic fresh mangos during the fiscal period for which the exemption is claimed. An importer must certify that it will import less than 500,000 pounds of fresh mangos or less than 200,000 pounds of frozen mangos for the fiscal period for which the exemption is claimed.

* * * * *

■ 14. Revise § 1206.78 to read as follows:

§ 1206.78 OMB control number.

The control numbers assigned to the information collection requirements of this part by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, are OMB control number 0505–0001 and OMB control number 0581–0093.

■ 15. In § 1206.101, revise paragraphs (c), (d) and (e) to read as follows:

§ 1206.101 Definitions.

* * * * *

(c) *Eligible first handler* means any person, (excluding a common or contract carrier), receiving 500,000 or more pounds of fresh mangos from producers in a calendar year and who as owner, agent, or otherwise ships or causes mangos to be shipped as specified in this Order. This definition includes those engaged in the business of buying, selling and/or offering for sale; receiving; packing; grading; marketing; or distributing mangos in commercial quantities. The term first handler includes a producer who handles or markets mangos of the producer's own production.

(d) *Eligible importer* means any person importing 500,000 or more pounds of fresh mangos or 200,000 or more pounds of frozen mango into the United States in a calendar year as a principal or as an agent, broker, or consignee of any person who produces or handles mangos outside of the United States for sale in the United States, and who is listed as the importer of record for such mangos that are identified in the Harmonized Tariff Schedule of the United States by the numbers 0804.50.4045, 0804.50.4055, 0804.50.6045, 0804.50.6055, and 0811.90.5200, during the representative period. Importation occurs when mangos originating outside of the United States are released from custody by Customs and introduced into the stream of commerce in the United States. Included are persons who hold title to foreign-produced mangos immediately upon release by Customs, as well as any persons who act on behalf of others, as agents or brokers, to secure the release of mangos from Customs when such mangos are entered or withdrawn for consumption in the United States.

(e) *Mangos* means the fruit of *Mangifera indica L.* of the family *Anacardiaceae.* The term mangos includes:

(1) *Fresh mangos,* which means in their fresh form; and

(2) *Frozen mangos,* which means mangos that are uncooked or cooked by steaming or boiling in water, and then frozen, whether or not containing added sugar or other sweetening agent.

* * * * *

Dated: April 2, 2018.

Bruce Summers,

Acting Administrator.

[FR Doc. 2018–06968 Filed 4–5–18; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL HOUSING FINANCE AGENCY

12 CFR Parts 1239 and 1273

RIN 2590–AA90

Responsibilities of Boards of Directors, Corporate Practices, and Corporate Governance

AGENCY: Federal Housing Finance Agency.

ACTION: Proposed rule.

SUMMARY: The Federal Housing Finance Agency (FHFA) is proposing to amend its regulation on the Responsibilities of Boards of Directors, Corporate Practices, and Corporate Governance for its regulated entities. The proposed rule would amend the existing regulation pertaining to Federal Home Loan Bank strategic business plans so that it would apply as well to the Enterprises, and would make a number of adjustments and conforming changes to the existing regulation. As amended, the regulation would require that the board of directors of each regulated entity have in effect at all times a strategic business plan that describes how the regulated entity's business activities will achieve its statutory purposes. The proposed rule would retain the provision that requires each regulated entity's board of directors to review the strategic business plan at least annually, re-adopt it at least once every three years, and establish reporting requirements for and monitor implementation of the strategic business plan. The proposed rule would add a new provision regarding current and emerging business risks, repeal two outdated provisions of the existing regulation, and make a conforming change to the Office of Finance Board of Directors regulation.

DATES: Written comments on the proposed rule must be received on or before June 5, 2018.

ADDRESSES: You may submit your comments on the proposed rule, identified by regulatory information number (RIN) 2590–AA90, by any of the following methods:

- *Agency Website: www.fhfa.gov/open-for-comment-or-input.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by email to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by the FHFA. Please include ''Comments/RIN 2590–AA90'' in the subject line of the submission.
- *Courier/Hand Delivery:* The hand delivery address is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590–AA90, Federal Housing Finance Agency, 400 Seventh Street SW, Eighth Floor, Washington, DC 20219. Deliver the package to the Seventh Street entrance Guard Desk, First Floor, on business days between 9 a.m. and 5 p.m.
- *U.S. Mail, United Parcel Service, Federal Express, or Other Mail Service:* The mailing address for comments is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590–AA90, Federal Housing Finance Agency, 400 Seventh Street SW, Eighth Floor, Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: Daniel Callis, Principal Risk Analyst, Office of the Chief Accountant, at *Daniel.Callis@fhfa.gov* or (202) 649–3448, or Ming-Yuen Meyer-Fong, Office of General Counsel, at *Ming-Yuen.Meyer-Fong@fhfa.gov* or (202) 649–3078 (these are not toll-free numbers), Federal Housing Finance Agency, Constitution Center, 400 Seventh Street SW, Washington, DC 20219. The telephone number for the Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Request for Comments

FHFA invites comments on all aspects of this proposed rule. After considering all comments, FHFA intends to issue a final rule. FHFA will post on the FHFA website at *http://www.fhfa.gov* all

public comments it receives without change, including any personal information you provide, such as your name, address, email address, and telephone number. In addition, copies of all comments received will be available for examination by the public through the electronic rulemaking docket for this proposed rule also located on the FHFA website.

II. Background and Summary

FHFA previously consolidated and relocated the regulations of its predecessor agencies, the Federal Housing Finance Board (Finance Board) and the Office of Federal Housing Enterprise Oversight, that pertained to the responsibilities of boards of directors, corporate practices, and corporate governance matters into a new regulation at 12 CFR part 1239. 80 FR 72327 (November 19, 2015). The FHFA regulation is organized such that some parts apply to all of FHFA's regulated entities and other parts, because of differences in their corporate structure or business models, apply only to the Federal Home Loan Banks (Banks), or only to Fannie Mae and Freddie Mac (Enterprises).

The current regulation requires each Bank's board of directors to have in effect at all times a strategic business plan that describes how the business activities of the Bank will achieve the mission of the Bank, consistent with the Federal Home Loan Bank Act (Bank Act), 12 U.S.C. 1421 *et seq.* The current regulation also requires a Bank's board of directors periodically to review and re-adopt the Bank's strategic business plan, establish management reporting requirements, and monitor implementation of the strategic business plan. 12 CFR 1239.31.

FHFA proposes to adopt a similar requirement for the Enterprises. Strategic planning is an organization's process of defining its direction and making decisions on allocating its resources to pursue this direction. The result of this process is the organization's strategy—a guiding vision of what the organization intends to accomplish and key initiatives or action plans for achieving the vision. It is necessarily forward-looking, actionable, and measurable, and it should be updated periodically to reflect, among other things, changing risks, business environments, and corporate direction. A strategic plan is adopted by an organization's board of directors and executed by its senior management on behalf of its stakeholders.

The proposed rule would replace the existing Bank-only strategic business plan provision currently at 12 CFR 1239.31 with a new provision, to be located at 12 CFR 1239.14. The new provision would adapt the current Bank-only strategic business plan requirements to cover the Enterprises, and make adjustments and conforming changes as needed to reflect the requirements of the Banks and the Enterprises. The most significant change would be to bring the Enterprises within the scope of the strategic business plan requirement currently required only of the board of directors at each Bank. The proposed rule would also include a new requirement for each regulated entity to identify current and emerging risks in its strategic business plan. Apart from that provision, the proposed rule would not impose any new requirements on the Banks' strategic business plans. The proposed rule would also repeal an existing provision relating to quantitative performance goals for Bank products related to multifamily housing and to community financial institution collateral, and a related existing reporting provision.

III. The Proposed Rule

A. Analysis of the Proposed Rule

The proposed rule would require the board of directors at each regulated entity to adopt and have in effect at all times a strategic business plan for the regulated entity. The regulated entity's strategic business plan adopted by the board of directors must meet certain minimum requirements pertaining to operating goals, credit needs and market opportunities, new activities, supporting analyses, and current and emerging risks. As noted above, all of these requirements, except for the current and emerging risks, already apply to the Banks. The proposed rule would also require the board of directors at each regulated entity to review the regulated entity's strategic business plan at least annually, to re-adopt the strategic business plan for the regulated entity at least every three years, to establish management reporting requirements, and to monitor implementation of the strategic business plan, as set forth in proposed § 1239.14(b).

The Enterprises are congressionally chartered entities established to advance certain statutory purposes. These statutory purposes include providing stability in the secondary market for residential mortgages, responding appropriately to the private capital market, providing ongoing assistance (by facilitating liquidity and distribution of investment capital) to the secondary market for residential mortgages (including activities relating to mortgages on housing for low- and moderate-income families), and promoting access to mortgage credit throughout the nation. 12 U.S.C. 1716 *et seq.* (Fannie Mae); 12 U.S.C. 1451 note (Freddie Mac). Their public purposes also include other, more-specific statutory or regulatory obligations including, for example, an Enterprise's obligations to meet its affordable housing goals, and its duty to serve specified underserved markets. *See* Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Safety and Soundness Act), 12 U.S.C. 4501 *et seq.*

Similarly, the Banks are entities established under federal law to serve a housing finance and community lending mission. 12 U.S.C. 1430 and 1430b. For example, in addition to advances, Bank core mission activities include debt or equity investments that primarily benefit households having a targeted income level or living in areas targeted for redevelopment, by supporting housing, economic development, community services, permanent jobs, or area revitalization or stabilization. 12 CFR 1265.3(e). Like the Enterprises, the Banks have affordable housing goals, but only to the extent that they purchase mortgages from their members. 12 U.S.C. 1430c.

Paragraph 1239.14(a)(1)(i) of the proposed rule would replace the requirement to enumerate operating goals and objectives with a requirement to articulate measurable operating goals and objectives. The change is intended to clarify that goals and objectives are to be described, rather than simply listed, in a manner to allow the board of directors to monitor and hold management accountable for successful execution of the strategic business plan. A regulated entity's board could articulate measurable goals and objectives by specifying quantitative requirements or qualitative requirements. The proposed rule does not prescribe the specific ways in which operating goals and objectives must be articulated, so long as such operating goals and objectives are articulated in a measurable manner necessary to support a regulated entity's board of director's review and monitoring responsibilities under proposed § 1239.14(b), and to allow the board of directors to evaluate and hold management accountable for successful implementation of the strategic business plan.

Proposed § 1239.14(a)(1)(i) would require each Bank's strategic business plan to articulate measurable operating goals and objectives for each significant business activity and all authorized new

business activities, which must include plans for maximizing activities that further the Bank's housing finance and community lending mission. This provision is much the same as the existing regulation, but includes several proposed changes to coordinate with the Enterprise requirement, including the reference to ''significant business activity,'' a proposed change from the existing reference to ''major business activity.''

The proposed rule would also require a Bank's strategic business plan to articulate measurable operating goals and objectives for all ''authorized new business activities.'' FHFA regulations currently provide for agency review and action on a Bank's ''new business activity'' before a Bank may commence with the new business activity. 12 CFR part 1272. That regulation authorizes a Bank to commence a new business activity absent affirmative approval if FHFA does not take action within the timeframes established under 12 CFR part 1272. The proposed requirement to articulate operating goals and objectives would not apply to new business activities that are denied, are pending FHFA action, or are not yet submitted to FHFA, but only to those new business activities that have been authorized under the new business activities regulation.

The proposed rule would retain the existing requirement that a Bank's strategic plan ''include plans for maximizing activities that further the Bank's housing finance and community lending mission, consistent with part 1265 of this chapter.'' Retaining this clause would reiterate the priority the Banks should continue to place on their core mission activities to further their housing finance and community lending mission, consistent with 12 CFR part 1265.

For the Enterprises, proposed § 1239.14(a)(1)(ii) would similarly require each Enterprise's strategic business plan to ''articulate measurable operating goals and objectives for each significant existing activity and all authorized new activities.'' The Enterprises do not have a core mission activity regulation comparable to that of the Banks, so, a requirement analogous to that for the Banks described above is not included in the Enterprise provisions. However, proposed § 1239.14(a)(1)(ii) would achieve an outcome for the Enterprises similar to that for the Banks under § 1239.14(a)(1)(i). It does so by generally requiring the strategic business plan to describe ''how the [Enterprise's] business activities . . . will achieve [its] mission and public purposes,'' consistent with its charter act and the Safety and Soundness Act. It also does so by requiring the Enterprise's strategic business plan to articulate ''measurable operating goals and objectives'' in achieving the Enterprise's statutory purposes. Describing how the Enterprise's business activities will achieve its mission and public purposes, and articulating measurable goals and objectives for significant existing activities, would help to enable an Enterprise's board of directors to monitor, review, and hold management accountable for successful execution of the strategic business plan.

Proposed § 1239.14(a)(1)(ii) would reference ''authorized new activities'' in its ''measurable operating goals and objectives'' requirement. FHFA regulations currently provide for agency review and action on an Enterprise's ''new activity'' before the Enterprise may commence with the new activity. 12 CFR part 1253. The term ''authorized new activities'' is used because the current regulation for considering new activities authorizes an Enterprise to engage in a new activity absent affirmative approval. This could occur where FHFA does not take action within 15 days from receipt of a complete new activity notice. 12 CFR 1253.3(d). As a result, § 1239.14(a)(1)(ii) requires articulation of measurable operating goals and objectives for all ''authorized new activities,'' which could include both new activities that were affirmatively approved by FHFA and those authorized by passage of time. Proposed § 1239.14(a)(1)(ii) would not require a strategic business plan to articulate measurable goals and objectives for new activities that are denied, pending FHFA action, or not yet submitted to FHFA.

Proposed § 1239.14(a)(2) would require each regulated entity's strategic business plan to discuss how the regulated entity will address credit needs and market opportunities identified through ongoing market research and stakeholder consultations. In the case of the Banks, stakeholders would include members, housing associates, and public and private organizations. In the case of the Enterprises, stakeholders would include mortgage market participants and public and private organizations, including those that advocate for access to credit. The purpose of § 1239.14(a)(2) is similar to that currently in effect for the Banks, that is, to require regulated entity board engagement with market research and stakeholder consultations to identify areas of credit needs and market opportunities to further the regulated entity's public purposes.

Proposed § 1239.14(a)(3) would require a regulated entity's strategic business plan to describe ''significant activities in which the regulated entity is planning to be engaged,'' including any changes to business strategy or approach that the regulated entity is planning to undertake, and discuss how such activities further the regulated entity's public purposes. FHFA considered whether to retain the existing language in 12 CFR 1239.31(a)(4), which requires a regulated entity's strategic business plan to describe any ''proposed new business activities or enhancements of existing activities.'' However, the language of the existing requirement is unclear as to whether activities in various stages of development are covered.

Specifically, the existing regulatory language referring to ''proposed new business activities or enhancements of existing activities'' in § 1239.31(a)(4) may be ambiguous in that it could be interpreted to include those activities that are in the planning or development process within a Bank, but not yet submitted as a new business activity. Alternatively, it could be interpreted to refer to only those new business activities submitted to and pending approval with FHFA. Rather than referring to proposed new business activities and enhancements of existing activities, FHFA proposes to modify the existing language for the Banks and apply the same requirement to the Enterprises.

Proposed § 1239.14(a)(3) would eliminate the need, in the context of the strategic business plan requirement, to determine whether an activity is a new business activity in the case of a Bank, or a new activity in the case of an Enterprise, for purposes of the respective regulation, and whether it has been submitted or approved as such. The focus of the requirement would be on significant activities in which the regulated entity is planning to be engaged and how these planned activities would further the regulated entity's public purposes. To the extent the significant activities described would affect the future financial condition or risk profile of the regulated entity, the strategic business plan should address such risks.

For the Banks, proposed § 1239.14(a)(3) would clarify the existing regulatory language in 12 CFR 1239.31(a)(4) for each Bank's strategic business plan to describe any ''proposed new business activities or enhancements of existing activities.'' Instead, the proposed change would require the plan to describe any ''significant activities in which the

regulated entity is planning to be engaged.''

Proposed § 1239.14(a)(4)(i) would continue to require a Bank strategic business plan to be supported by appropriate and timely research and analysis of relevant market developments and member and housing associate demand for Bank products and services. This is the same as the existing requirement for the Banks. In addition, the existing reference to ''associate'' would be revised to ''housing associate.''

Similarly, § 1239.14(a)(4)(ii) would require an Enterprise's strategic business plan to be supported by appropriate and timely research and analysis of relevant market developments. This Enterprise requirement is consistent with the existing requirement for the Banks, and does not include the Bank-specific reference to member and housing associate demand for Bank products and services.

Proposed § 1239.14(a)(5) would require a regulated entity's strategic business plan to identify current and emerging risks, including such current and emerging risks associated with the regulated entity's existing activities or new activities, and discuss how the regulated entity plans to further its public purposes and mission in a safe and sound manner.

Emerging risks are risks that are potentially significant but which may not be fully known or understood, and could be associated with new or existing activities. This requirement would be a new requirement for the Banks.

Proposed § 1239.14(b) would require each regulated entity's board of directors to review the strategic business plan at least annually, re-adopt the plan at least every three years, and to establish reporting requirements and monitor implementation of the strategic business plan. The substance of this provision is identical to that of the existing Bank strategic business plan provision.

B. Provisions to be Repealed

The proposed rule would repeal the provision from the existing regulation at 12 CFR 1239.31(a)(3) that requires the Banks to include in their strategic business plans quantitative performance goals for Bank products related to multifamily housing and to community financial institution (CFI) collateral. The Finance Board added this requirement to the strategic business plan regulation shortly after Congress first authorized the Banks to accept CFI collateral. When doing so, the Finance Board explained that it wanted to make clear that providing financing for multifamily lending and for advances secured by the newly authorized CFI collateral is a part of the Banks' mission. In the 17 years that have passed since the Finance Board adopted this requirement, FHFA has monitored the Banks' acceptance of CFI collateral and has determined that this is very much a member-driven practice. There is considerable variation among the Banks as to the extent to which the Banks' members pledge CFI collateral, which FHFA believes is driven by the different types of loans made by the members in different Bank districts. Some Banks have significant numbers of members that make loans for small farm, small agribusiness, small business, or community development purposes, while other Banks have fewer members engaged in making those types of loans. Moreover, CFI collateral is no longer new, and decisions about what type of collateral to pledge are ultimately made by the individual members, based on their particular business needs. FHFA does not require Banks to set quantitative goals for the other types of collateral that members may pledge. In light of all of those factors, FHFA believes that there is no longer any need for the strategic business plans to address these categories of collateral. The proposed rule would repeal this provision, as well as a separate provision at 12 CFR 1239.31(c) that requires the Banks to report annually on their progress towards meeting those goals.

The proposed rule would also make a conforming change to a reference contained in § 1273.8(d)(2) relating to the Office of Finance board of directors' duty to approve a strategic business plan, to reference the proposed new provision at § 1239.14.

C. Corporate Governance Requirements and Conservatorship

As FHFA noted when it most recently adopted its corporate governance regulation, the regulation is not intended to address conservatorship matters. 80 FR at 72328. Instead, the corporate governance regulation is intended to address matters of corporate practice and governance at the regulated entities. FHFA, as conservator, currently possesses ultimate authority over all operations of the Enterprises. Pursuant to its conservatorship authority, FHFA has provided for Enterprise boards to exercise the functions of management oversight that exist under applicable law and regulation, including FHFA's corporate governance regulation, while reserving for itself decision making authority to establish conservatorship direction.

Accordingly, under the proposed rule, as part of their corporate governance requirements, the board of directors at each Enterprise would be required to adopt a strategic business plan. Each Enterprise's strategic business plan should describe, at a minimum, how the business activities of the Enterprise will achieve its public purposes as set forth under its respective statutory charter and the Safety and Soundness Act. Although the Enterprises remain in conservatorship, their boards of directors have been operating under FHFA regulations, including the standards set forth in FHFA's corporate governance regulation at 12 CFR part 1239, that govern board members outside of conservatorship, except as modified by the conservator. Such duties include establishing strategic objectives that incorporate the priorities of the conservator while achieving the Enterprise's statutory purposes in a safe and sound manner.

D. Consideration of Differences Between the Banks and the Enterprises

When promulgating regulations that relate to the Banks, section 1313(f) of the Safety and Soundness Act requires FHFA to consider the differences between the Banks and the Enterprises with respect to the Banks': Cooperative ownership structure; mission of providing liquidity to members; affordable housing and community development mission; capital structure; and joint and several liability. 12 U.S.C. 4513(f). In developing the proposed rule, FHFA has considered these areas of differences between the Banks and the Enterprises, and has determined that the proposed rule is unlikely to adversely affect the Banks in these areas of differences. FHFA is requesting public comment on whether differences related to these factors should result in a revision of the proposed rule as it relates to the Banks.

IV. Paperwork Reduction Act

The proposed rule does not contain any collections of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Therefore, FHFA has not submitted any information to the Office of Management and Budget for review.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to analyze a regulation's impact on small entities if the regulation is expected to have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). FHFA has considered the impact of this proposed rule and the

General Counsel of FHFA certifies that the proposed rule, if adopted as a final rule, is not likely to have a significant economic impact on a substantial number of small entities because it applies only to the regulated entities and the Office of Finance, which are not small entities for purposes of the Regulatory Flexibility Act. Therefore, an initial regulatory flexibility analysis is not required.

List of Subjects

12 CFR Part 1239

Administrative practice and procedure, Federal home loan banks, Government-sponsored enterprises, Reporting and recordkeeping requirements.

12 CFR Part 1273

Federal home loan banks, Securities.

Accordingly, for reasons stated in the Supplementary Information, FHFA hereby proposes to amend 12 CFR parts 1239 and 1273 as follows:

Subchapter B—Regulated Entities

PART 1239—[AMENDED]

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

Authority: 12 U.S.C. 1426, 1427, 1432(a), 1436(a), 1440, 4511(b), 4513(a), 4513(b), and 4526.

■ 2. Add new § 1239.14 to subpart C to read as follows:

§ 1239.14 Strategic business plan.

(a) *Adoption of strategic business plan.* Each board of directors shall adopt and have in effect at all times a strategic business plan for the regulated entity that describes, at a minimum, how the business activities of the regulated entity will achieve its mission and public purposes consistent with its authorizing statute, the Safety and Soundness Act, and, in the case of a Bank, part 1265 of this chapter. Specifically, each regulated entity's strategic business plan shall at a minimum:

(1)(i) In the case of a Bank, articulate measurable operating goals and objectives for each significant business activity and for all authorized new business activities, which must include plans for maximizing activities that further the Bank's housing finance and community lending mission, consistent with part 1265 of this chapter;

(ii) In the case of an Enterprise, articulate measurable operating goals and objectives for each significant existing activity and for all authorized new activities;

(2) Discuss how the regulated entity will address credit needs and market opportunities identified through ongoing market research and stakeholder consultations;

(3) Describe any significant activities in which the regulated entity is planning to be engaged, including any changes to business strategy or approach that the regulated entity is planning to undertake, and discuss how such activities would further the regulated entity's mission and public purposes;

(4)(i) In the case of a Bank, be supported by appropriate and timely research and analysis of relevant market developments and member and housing associate demand for Bank products and services;

(ii) In the case of an Enterprise, be supported by appropriate and timely research and analysis of relevant market developments; and

(5) Identify current and emerging risks, including those associated with the regulated entity's existing activities or new activities, and discuss how the regulated entity plans to address emerging risks while furthering its public purposes and mission in a safe and sound manner.

(b) *Review and monitoring.* Each board of directors shall:

(1) Review the regulated entity's strategic business plan at least annually;

(2) Re-adopt the strategic business plan for the regulated entity at least every three years; and

(3) Establish management reporting requirements and monitor implementation of the strategic business plan and the operating goals and objectives contained therein.

§ 1239.31 [Removed and reserved]

■ 3. Remove and reserve § 1239.31.

Subchapter D—Federal Home Loan Banks

PART 1273—[AMENDED]

■ 4. The authority citation for part 1273 continues to read as follows:

Authority: 12 U.S.C. 1431, 1440, 4511(b), 4513, 4514(a), 4526(a).

§ 1273.8 [Amended]

■ 5. Section 1273.8(d)(2) is amended by removing the reference to ''§ 1239.31'' and adding in its place ''§ 1239.14.''

Dated: April 2, 2018.

Melvin L. Watt,

Director, Federal Housing Finance Agency.

[FR Doc. 2018–07044 Filed 4–5–18; 8:45 am]

BILLING CODE 8070–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0094; Airspace Docket No. 18–ASW–4]

RIN 2120–AA66

Proposed Amendment of Class D Airspace; Tulsa, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Class D airspace designated as an extension at Tulsa Lloyd Jones Jr. Airport, Tulsa, OK. The FAA is proposing this action as a result of an airspace review caused by the decommissioning of the Glenpool VHF omnidirectional range (VOR) navigational aid as part of the VOR Minimum Operational Network (MON) Program and the cancellation of the associated instrument procedures. The geographic coordinates also would be amended, and an editorial change would be made removing the airport name in the airspace designation, and removing the city name from the airport designation. Another editorial change would be made to the legal description replacing ''Airport/Facility Directory'' with ''Chart Supplement''.

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

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2018–0094; Airspace Docket No. 18–ASW–4, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is

also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11B at NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D airspace at Richard Lloyd Jones Jr. Airport, Tulsa, OK, to support instrument flight rule operations.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2018–0094/Airspace Docket No. 18–ASW–4.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 by amending Class D airspace extending upward from the surface to and including 3,100 feet MSL within a 4-mile radius of Richard Lloyd Jones Jr. Airport, and within 1.0 miles each side of the 190° radial from the airport RWY 01L–LOC extending from the 4-mile radius to 4.1 miles south of the airport (reduced from 1.3 miles each side of the 350° radial of the Glenpool VOR extending from the 4-mile radius to 4.7 miles south of the airport). This action is necessary due to the decommissioning of the Glenpool VOR as part of the VOR MON Program and cancellation of the associated instrument procedures.

This action also adjusts the geographic coordinates of the airport to be in concert with the FAA's aeronautical database. Additionally, this action would make an editorial change to the Class D airspace legal description replacing ''Airport/Facility Directory'' with ''Chart Supplement.''

Also, an editorial change would be made removing the airport name from the airspace designation, and removing the word ''Tulsa'' from the airport name, to comply with a change to FAA Order 7400.2L, Procedures for Handling Airspace Matters, dated October 12, 2017.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASW OK D Tulsa, OK [Amended]

Richard Lloyd Jones Jr., OK
(Lat. 36°02′23″ N, long. 95°59′05″ W)

That airspace extending upward from the surface to and including 3,100 feet MSL within a 4-mile radius of Richard Lloyd Jones Jr. Airport, and within 1.0 miles each side of the 190° bearing from the Richard Lloyd Jones Jr., Airport, RWY 01L–LOC from the 4.0 mile radius to 4.1 miles south of the airport, excluding that airspace within the Tulsa International Airport, OK, Class C airspace area. This Class D airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Issued in Fort Worth, Texas, on March 28, 2018.

Walter Tweedy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2018–06995 Filed 4–5–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2018–0004; Notice No. 173]

RIN 1513–AC37

Proposed Expansion of the Monticello Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to expand the approximately 1,320-square mile ''Monticello'' viticultural area in Albemarle, Green, Nelson, and Orange Counties in Virginia, by approximately 166 square miles. The proposal would extend the viticultural area into Fluvanna County, Virginia. The established Monticello viticultural area and the proposed expansion area are not located within any established viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. TTB invites comments on this proposed amendment to its regulations.

DATES: Comments must be received by June 5, 2018.

ADDRESSES: Please send your comments on this notice to one of the following addresses:

- *Internet: http://www.regulations.gov* (via the online comment form for this notice as posted within Docket No. TTB–2018–0004 at ''*Regulations.gov*,'' the Federal e-rulemaking portal);
- *U.S. Mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; or
- *Hand delivery/courier in lieu of mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Suite 400, Washington, DC 20005.

See the Public Participation section of this notice for specific instructions and requirements for submitting comments, and for information on how to request a public hearing or view or obtain copies of the petition and supporting materials.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01, dated December 10, 2013, (superseding Treasury Order 120–01,dated January 24, 2003), to the TTB Administrator to perform the functions and duties in the administration and enforcement of these provisions.

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing the establishment of an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Petitioners may use the same procedures to request changes involving existing AVAs. Section 9.12(c) of the TTB regulations (27 CFR 9.12(c)) prescribes standards for petitions for modifying established AVAs. Petitions to expand an established AVA must include the following:

- Evidence that the region within the proposed expansion area boundary is

nationally or locally known by the name of the established AVA;

- An explanation of the basis for defining the boundary of the proposed expansion area;
- A narrative description of the features of the proposed expansion area affecting viticulture, including climate, geology, soils, physical features, and elevation, that make the proposed expansion area similar to the established AVA and distinguish it from adjacent areas outside the established AVA boundary;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed expansion area, with the boundary of the proposed expansion area clearly drawn thereon; and
- A detailed narrative description of the proposed expansion area boundary based on USGS map markings.

Petition To Expand the Monticello AVA

TTB received a petition from George Cushnie, co-owner of Thistle Gate Vineyard, submitted on behalf of himself and a second vineyard owner, proposing to expand the established ''Monticello'' AVA. The Monticello AVA (27 CFR 9.48) was established by T.D. ATF–164, which published in the **Federal Register** on January 23, 1984 (49 FR 2757). The Monticello AVA covers approximately 1,320 square miles in Albemarle, Green, Nelson, and Orange Counties in Virginia. The Monticello AVA and the proposed expansion area are not located within any other AVA.

The proposed expansion area is adjacent to the southeastern portion of the established AVA and encompasses approximately 166 square miles of Fluvanna County between the James River and the Rivanna River. There are 2 vineyards covering a total of approximately 15 acres within the proposed expansion area. The petition included a letter from the president of the Jeffersonian Wine Grape Growers Society, an organization of over 30 wineries within the Monticello AVA, supporting the proposed expansion. Unless otherwise noted, all information and data pertaining to the proposed expansion area contained in this document come from the petition and its supporting exhibits.

Name Evidence

The expansion petition provides evidence that the proposed expansion area is historically associated with ''Monticello,'' the home of Thomas Jefferson, as is the land currently within the Monticello AVA boundaries. For example, the Rivanna River, which forms the northern boundary of the proposed expansion area, was the primary means of transporting agricultural products from Jefferson's lands in the region to the James River, where the goods were then transported to other areas of Virginia. The Rivanna River is frequently referred to as ''Mr. Jefferson's river,'' due to Thomas' Jefferson's efforts to make the river navigable by building dams, locks, and canals.[1] The river was so important to Jefferson and the functioning of Monticello and the surrounding agricultural lands, including agricultural lands in the proposed expansion area, that he listed his improvements to the river as a greater personal achievement than writing the Declaration of Independence.[2] Additionally, Jefferson played an active role in the establishment of Fluvanna County, where the proposed expansion area is located, and he drew the map for the proposed new county. The petition states that these pieces of historical evidence demonstrate that the region of the proposed expansion area held special significance for Jefferson and was important to the workings of his plantation at Monticello. As explained in the final rule that first established the Monticello AVA, the name ''Monticello'' is associated with the region in large part due to the historic connection with Thomas Jefferson, which as discussed above, also applies to the proposed expansion area.

The petition also provided evidence that the name ''Monticello'' is currently associated with the proposed expansion area. A lake in the proposed expansion area is called Lake Monticello. The ''Monticelloman Olympic Triathlon'' and ''Monticelloman Half Triathlon'' are annual athletic events held within the proposed expansion area. The Monticello Area Community Action Agency and Head Start-Monticello Area are two community assistance organizations that serve the residents of the proposed expansion area. Businesses within the proposed expansion area that use the name ''Monticello'' include Monticello Mulch, Monticello Mattress & More, Monticello Country Realtors, and Century 21 Monticello Properties.

Boundary Evidence

The established Monticello AVA is a roughly oval shaped region with a northeast-southwest alignment. The James River and the shared Albemarle-Fluvanna County line form the southeastern and eastern boundaries, respectively. The proposed expansion area is adjacent to the eastern boundary of the established AVA and is located entirely within Fluvanna County. No portion of Fluvanna County is currently within the Monticello AVA.

The proposed expansion area is roughly shaped like a triangle, with its apex pointing east, its base adjacent to the eastern edge of the established AVA, and the Rivanna and James Rivers forming the two sides. The apex of the proposed expansion area is at the confluence of the two rivers, near the town of Columbia. The proposed expansion area's boundary begins at the intersection of the Rivanna River and the Albemarle-Fluvanna County line, along the eastern edge of the established AVA. Instead of continuing to follow the Albemarle-Fluvanna County line south, as the current AVA boundary does, the proposed expansion area continues southeasterly along the Rivanna River to its confluence with the James River. The proposed boundary then follows the James River southwesterly and then northwesterly to the Albemarle-Fluvanna County line, where the proposed expansion area boundary rejoins the current AVA boundary.

Distinguishing Features

The petition states that the climate and soils of the proposed expansion area are similar to those of the established Monticello AVA. TTB notes that T.D. ATF–164, which established the Monticello AVA, does not provide a detailed discussion of the distinguishing features of the AVA. However, the original petition to establish the AVA contains more information. A copy of the original Monticello AVA petition was included as part of the proposed expansion petition package and is included in Docket No. TTB–2018–0004.

Climate

The original Monticello AVA petition stated that the Blue Ridge Mountains, to the west of the AVA, shelter the AVA from cold air flowing from the northwest. However, there are two major gaps in the mountains: one near Front Royal, Virginia, to the north of the Monticello AVA; and another near Roanoke, Virginia, to the south of the AVA. According to the original Monticello AVA petition, these two gaps divide cold air masses into two ''rivers of cold air'' that bypass the AVA and rejoin farther to the east, in the lower elevations and plains of the Piedmont region. Because the cool air

[1] McGehee, Minnie Lee, and Trout, William E. *Mr. Jefferson's River, the Rivanna.* Fluvanna County Historical Society: Palmyra, VA, 2001.

[2] Ibid.

bypasses the Monticello AVA, the petition stated that temperatures within the AVA are typically warmer than temperatures to the west of the AVA in the Blue Ridge Mountains and to the east of the AVA in the Piedmont region.

A map in the original Monticello AVA petition shows that the average growing season length of the AVA ranges from 220 to 250 days, whereas the region east of the AVA averages between 150 and 175 days. The petition also included a 1979 plant hardiness zone map prepared by the Office of the Virginia State Climatologist that shows the AVA in zone 7, meaning that minimum winter temperature is typically between 5 and 10 degrees Fahrenheit (F). By contrast, the same map classifies the areas to the east and west of the AVA as zone 6, which ranges from -5 degrees to 5 degrees F.

The petition for the proposed expansion area included a current USDA plant hardiness zone map. Although the climate zones for the Monticello AVA, the proposed expansion area, and the surrounding regions have changed according to the new map, the established AVA and the proposed expansion area are still in a warmer zone than the region to the west. The new map places the Monticello AVA into zone 7a, where minimum winter temperatures ranges from 0 to 5 degrees F. The confluence of the Rivanna River and the James River, which is the location of the proposed expansion area, is shown on this map and is also in zone 7a, as is the entire region east of both the AVA and the proposed expansion area, as far east as Richmond. The region west of both the AVA and the proposed expansion area, within the Blue Ridge Mountains, is a cooler zone 6b, with minimum winter temperatures between -5 and 0 degrees F.

Although the plant hardiness zone map indicates that the zone for the Monticello AVA and the proposed expansion area extends eastward to Richmond, the petitioner provided other climate evidence to distinguish the proposed expansion area from the region to the east. For instance, the proposed expansion petition provides a higher-resolution of the map that was used in the original AVA petition to show the length of the growing season within the AVA and the surrounding areas. The higher resolution map shows that the far northeastern portion of the Monticello AVA, in Orange County, extends eastward beyond the 200-day contour, though not far enough east to reach the 175-day contour. The expansion petition estimates that, based on the higher resolution map, the Orange County portion of the AVA has a growing season between 190 and 200 days. When the proposed expansion area is drawn onto this high-resolution map, it also appears to have a growing season of between 190 and 200 days. Similar to the existing AVA, the proposed expansion area does not extend into the 175-day contour, which is slightly farther to the east. Therefore, according to the proposed expansion petition, the higher-resolution map shows that the proposed expansion area has a growing season length similar to that of the Orange County portion of the Monticello AVA. The higher-resolution map also shows that the region to the east of both the Monticello AVA and the proposed expansion area has a shorter growing season.

Finally, the proposed expansion petition provided a higher-resolution version of the map used in the original Monticello petition to show the path that the ''rivers of cold air'' take around the AVA. The higher-resolution map shows that the Orange County portion of the Monticello AVA extends between the 15 degree contour and the 13 degree contour, meaning that the minimum January temperature for this portion of the Monticello AVA is between 13 and 15 degrees F. The ''rivers of cold air'' converge farther east, between the 13 degree contour and the 11 degree contour. When drawn on this map, the proposed expansion area also extends beyond the 15 degree contour, but not into the 13 degree contour. The proposed expansion petition states that this higher-resolution map demonstrates that January temperatures within the proposed expansion area are more similar to those of the Orange County portion of the Monticello AVA than those of the cooler region farther to the east of the established AVA where the ''rivers of cold air'' converge.

The proposed expansion petition states that climate affects viticulture within the Monticello AVA and the proposed expansion area. According to the petition, the recommended minimum growing season length for most varietals of wine grapes in Virginia is 180 days, although a few very-early ripening varietals such as some Muscat varietals and Viognier can ripen in as few as 155 days.[3] The 190- to 200-day growing season length in the proposed expansion area is long enough to grow many varietals of wine grapes, including Cabernet Franc, Malbec, Chardonnay, Merlot, and Pinot Gris. The proposed expansion petition states that these varietals are also all grown within the established Monticello AVA.

Soils

The original petition to establish the Monticello AVA described the soils of the AVA as a mixture of clay and loam. The soils are generally deep and well-drained. The predominant soil series found within the AVA are Buchanan, Davidson, Dyke, Nason, and Rapidan. Neither the original AVA petition nor T.D. ATF–164 describes the soils surrounding the Monticello AVA.

The proposed expansion petition states that modern internet-based soil mapping tools provide a more detailed and accurate description of the soil series of the proposed AVA than the paper soil maps used in the original Monticello AVA petition. The expansion petition included a table comparing the major soil series found in the proposed expansion area, located in Fluvanna County, and the counties currently within the Monticello AVA. The data was compiled using the USDA's Websoils tool.[4] The data shows that the proposed expansion area shares four of the five major soil series found within the Monticello AVA.

SOILS OF THE MONTICELLO AVA AND THE PROPOSED EXPANSION AREA

County	Soil series				
	Lew	Louisburg	Manteo	Nason	Tatum
Fluvanna (proposed expansion area)		X	X	X	X
Albemarle	X	X	X	X	X
Green	X				
Nelson	X				

[3] Wolf, Tony K., and Boyer, John D. *Vineyard Site Selection.* Virginia Tech Publication #463–020. 2003, page 2.

[4] *http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm.*

SOILS OF THE MONTICELLO AVA AND THE PROPOSED EXPANSION AREA—Continued

County	Soil series				
	Lew	Louisburg	Manteo	Nason	Tatum
Orange	.....	X	X	X	X

According to the proposed expansion petition, the soils found within the proposed expansion area are well-suited for viticulture, particularly soils of the Nason and Manteo series. These two soils are described as well-drained silty loams. Well-drained soils prevent boggy conditions, which restrict root growth and respiration. The soils also have low to moderate levels of organic content. The proposed expansion petition states that soils with high levels of organic content are not generally desirable for viticulture because the abundance of nutrients promotes overly vigorous shoot and leaf growth at the expense of fruit production and quality.

TTB Determination

TTB concludes that the petition to expand the boundaries of the established Monticello AVA merits consideration and public comment, as invited in this notice of proposed rulemaking.

Boundary Description

See the narrative description of the boundary of the petitioned-for expansion area in the proposed regulatory text published at the end of this proposed rule.

Maps

To document the existing and proposed boundaries of the Monticello AVA, the petitioner provided a copy of the required 1971 1:250,000-scale Roanoke, Virginia USGS quadrangle map.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in § 4.25(e)(3) of the TTB regulations (27 CFR 4.25(e)(3)). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

The approval of the proposed expansion of the Monticello AVA would not affect any other existing viticultural area. The expansion of the Monticello AVA would allow vintners to use ''Monticello'' as an appellation of origin for wines made primarily from grapes grown within the proposed expansion area if the wines meet the eligibility requirements for the appellation.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether it should expand the Monticello AVA as proposed. TTB is specifically interested in receiving comments on the similarity of the proposed expansion area to the established Monticello AVA, as well as the differences between the proposed expansion area and the areas outside the Monticello AVA. TTB is particularly interested in any viticulture that occurs in the eastern watershed of Fluvanna County and how it relates to the boundary evidence discussed above and presented in the expansion petition. Please provide specific information in support of your comments.

Submitting Comments

You may submit comments on this notice of proposed rulemaking by using one of the following three methods:

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this notice within Docket No. TTB–2018–0004 on ''*Regulations.gov*,'' the Federal e-rulemaking portal, at *http://www.regulations.gov*. A direct link to that docket is available under Notice No. 173 on the TTB website at *https://www.ttb.gov/wine/wine-rulemaking.shtml*. Supplemental files may be attached to comments submitted via *Regulations.gov*. For complete instructions on how to use *Regulations.gov*, visit the site and click on the ''Help'' tab.
- *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005.
- *Hand Delivery/Courier:* You may hand-carry your comments or have them hand-carried to the Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Suite 400, Washington, DC 20005.

Please submit your comments by the closing date shown above in this notice. Your comments must reference Notice No. 173 and include your name and mailing address. Your comments also must be made in English, be legible, and be written in language acceptable for public disclosure. TTB does not acknowledge receipt of comments, and TTB considers all comments as originals.

In your comment, please clearly state if you are commenting for yourself or on behalf of an association, business, or other entity. If you are commenting on behalf of an entity, your comment must include the entity's name, as well as your name and position title. If you comment via *Regulations.gov*, please enter the entity's name in the ''Organization'' blank of the online comment form. If you comment via postal mail or hand delivery/courier, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

TTB will post, and you may view, copies of this notice, selected supporting materials, and any online or mailed comments received about this proposal within Docket No. TTB–2018–0004 on the Federal e-rulemaking portal, *Regulations.gov*, at *http://*

www.regulations.gov. A direct link to that docket is available on the TTB website at *https://www.ttb.gov/wine/wine_rulemaking.shtml* under Notice No. 173. You may also reach the relevant docket through the *Regulations.gov* search page at *http://www.regulations.gov.* For information on how to use *Regulations.gov*, click on the website's ''Help'' tab.

All posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including email addresses. TTB may omit voluminous attachments or material that the Bureau considers unsuitable for posting.

You may also view copies of this notice of proposed rulemaking, all related petitions, maps and other supporting materials, and any electronic or mailed comments that TTB receives about this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW, Washington, DC 20005. You may also obtain copies at 20 cents per 8.5- x 11-inch page. Please note that TTB is unable to provide copies of USGS maps or other similarly-sized documents that may be included as part of the AVA petition. Contact TTB's information specialist at the above address or by telephone at 202–453–2265 to schedule an appointment or to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this proposed rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this notice of proposed rulemaking.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, TTB proposes to amend title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Section 9.48 is amended by revising paragraph (c)(16), redesignating paragraph (c)(17) as paragraph (c)(19), and adding new paragraphs (c)(17) and (c)(18) to read as follows:

§ 9.48 Monticello.

* * * * *

(c) * * *

(16) Then continuing southwest along the county line to its intersection with the Rivanna River;

(17) Then southeast along the Rivanna River to its confluence with the James River, near the Fluvanna–Goochland County line;

(18) Then southwest, then northwest along the James River to its intersection with the Albemarle County line;

* * * * *

Signed: November 30, 2017.

John J. Manfreda,

Administrator.

Approved: March 30, 2018.

Timothy E. Skud,

Deputy Assistant Secretary, (Tax, Trade, and Tariff Policy).

[FR Doc. 2018–07090 Filed 4–5–18; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2018–0003; Notice No. 172]

RIN 1513–AC36

Proposed Expansion of the Arroyo Seco Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to expand the approximately 18,240-acre ''Arroyo Seco'' viticultural area in Monterey County, California, by approximately 90 acres. The established Arroyo Seco viticultural area and the proposed expansion area both lie within the established Monterey viticultural area and the larger, multi-county Central Coast viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. TTB invites comments on this proposed amendment to its regulations.

DATES: Comments must be received by June 5, 2018.

ADDRESSES: Please send your comments on this notice to one of the following addresses:

- *Internet: http://www.regulations.gov* (via the online comment form for this notice as posted within Docket No. TTB–2018–0003 at ''*Regulations.gov*,'' the Federal e-rulemaking portal);
- *U.S. Mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; or
- *Hand delivery/courier in lieu of mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Suite 400, Washington, DC 20005.

See the Public Participation section of this notice for specific instructions and requirements for submitting comments, and for information on how to request a public hearing or view or obtain copies of the petition and supporting materials.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various

authorities through Treasury Department Order 120–01, dated December 10, 2013, (superseding Treasury Order 120–01, dated January 24, 2003), to the TTB Administrator to perform the functions and duties in the administration and enforcement of these provisions.

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing the establishment of an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Petitioners may use the same procedures to request changes involving existing AVAs. Section 9.12(c) of the TTB regulations (27 CFR 9.12(c)) prescribes standards for petitions for modifying established AVAs. Petitions to expand an established AVA must include the following:

- Evidence that the region within the proposed expansion area boundary is nationally or locally known by the name of the established AVA;
- An explanation of the basis for defining the boundary of the proposed expansion area;
- A narrative description of the features of the proposed expansion area affecting viticulture, including climate, geology, soils, physical features, and elevation, that make the proposed expansion area similar to the established AVA and distinguish it from adjacent areas outside the established AVA boundary;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed expansion area, with the boundary of the proposed expansion area clearly drawn thereon; and
- A detailed narrative description of the proposed expansion area boundary based on USGS map markings.

Petition To Expand the Arroyo Seco AVA

TTB received a petition from Ann Hougham, owner of the Mesa del Sol Vineyards, proposing to expand the established ''Arroyo Seco'' AVA. The Arroyo Seco AVA (27 CFR 9.59) was established by T.D. ATF–131, which published in the **Federal Register** on April 15, 1983 (48 FR 16245). The Arroyo Seco AVA covers approximately 18,240 acres in Monterey County, California, and is located within the established Monterey AVA (27 CFR 9.98) and the larger, multi-county Central Coast AVA (27 CFR 9.75).

The proposed expansion area contains approximately 90 acres and is adjacent to the far southwestern corner of the Arroyo Seco AVA. The proposed expansion area is located on an upland terrace on the northern bank of a creek known as the Arroyo Seco, which is Spanish for ''dry creek.'' There is one vineyard covering a total of approximately 14 acres within the proposed expansion area. The petition included a copy of an email from the Arroyo Seco Winegrowers, stating that the proposed expansion was shared with its members and received no objections. Unless otherwise noted, all information and data pertaining to the proposed expansion area contained in this document come from the petition and its supporting exhibits.

Name Evidence

The petition provides evidence that the proposed expansion area is associated with the name ''Arroyo Seco.'' The petitioner states that the address of her vineyard is Arroyo Seco Road, which also runs through the Arroyo Seco AVA. The creek known as the Arroyo Seco forms the southern and eastern boundary of the proposed expansion area and also flows through the established Arroyo Seco AVA. Two maps were included in the petition as evidence that the proposed expansion area is part of the larger region referred to as the ''Arroyo Seco.'' The first map was created by the State of California and shows proposed dam sites in the ''Arroyo Seco watershed.'' The confluence of Piney Creek and the Arroyo Seco, which is the location of the proposed expansion area, appears on this map. The second map is a wildlife survey study map that was produced by California State University–Monterey Bay and is titled ''Aquatic Life and Habitat in the Arroyo Seco Watershed.'' The bend in the Arroyo Seco where the proposed expansion area is located is shown on the map, and symbols on the map indicate that the region was included as part of the Arroyo Seco watershed aquatic life survey.

The petition also includes evidence that the proposed expansion area has historically been associated with the name ''Arroyo Seco.'' An excerpt from a book that chronicles the history of the region states, ''From April 15, 1880, when the first tract of 80 acres was patented to a George M. Moore, until August 22, 1924, * * * a total of 316 homesteads were granted in the Arroyo Seco area.'' [1] A second excerpt, from the memoirs of local resident Fred Weybret, Jr., describes his childhood in the region from 1928 to 1933 and notes, ''There was no electricity in the Arroyo Seco at that time * * * '' [2] The petition also included the ownership history of the petitioner's property, obtained from a title company, which shows that her property was once part of the land mentioned in the book as belonging to Mr. Moore and was owned by the Weybret family from 1928 to 1945.

Boundary Evidence

The Arroyo Seco AVA is located along the sloping bench lands surrounding the Arroyo Seco, which flows into the Salinas River near Soledad. The Arroyo Seco AVA is irregularly shaped, with the main portion of the AVA roughly resembling a triangle with its apex pointing to the southwest. A long, narrow ''panhandle'' extends from the apex of the triangle and is aligned west to east. The ''panhandle'' is formed by a series of straight lines that follow the southern boundaries of several sections on the USGS Sycamore Flat quadrangle map. The 90-acre proposed expansion area is a roughly triangular area adjacent to the southern edge of the ''panhandle,'' near the confluence of Piney Creek and the Arroyo Seco.

The proposed expansion area boundary begins at the intersection of

[1] Coelho, Al. *The Arroyo Seco.* 1982.

[2] Weybret, Fred Jr. (2002). *Arroyo Seco.* Unpublished memoir manuscript.

Arroyo Seco Road, Carmel Valley Road, and the southwestern corner of section 22 of the USGS Sycamore Flat quadrangle map. This intersection is also the beginning point for southern boundary of the ''panhandle'' portion of the current AVA boundary. Instead of proceeding east along the southern boundary of section 22, as the current boundary does, the proposed expansion area boundary proceeds southwesterly along Arroyo Seco Road to Piney Creek. The proposed boundary then proceeds southeasterly (downstream) along Piney Creek to its confluence with the Arroyo Seco. The proposed boundary then proceeds northeasterly (downstream) along the Arroyo Seco and rejoins the current AVA boundary at the intersection of the Arroyo Seco with the southern boundary of section 22.

The proposed expansion area is bordered to the north by the established Arroyo Seco AVA. The petition states that the land surrounding the proposed expansion area in the other directions is mostly unavailable for commercial viticulture. Due south of the proposed expansion area, along the southern bank of the Arroyo Seco, is a large parcel of land owned by the Big Sur Land Trust to be kept as open space in perpetuity. To the west, southwest, and southeast of both the proposed expansion area and the Big Sur Land Trust property is the Ventana Wilderness portion of the Los Padres National Forest. Because of its status as a Federally-protected wilderness within a National Forest, this land is largely unavailable for commercial purposes. Although the Sycamore Flat USGS quadrangle map shows several inholdings (privately-held lands) within the National Forest, the petition describes the forest as a largely roadless, mountainous area with little land suitable for viticulture, even in the inholdings where commercial viticulture might be permitted.

Distinguishing Features

The petition states that the soils and topography of the proposed expansion area are similar to those of the established Arroyo Seco AVA.

Soils

T.D. ATF–131 described the soils of the Arroyo Seco AVA as gravelly and fine sandy loams with low lime content. The principal soil series within the AVA are Mocho, Lockwood, Arroyo Seco, Rincon, Elder, and Chular. The soils are described as well-drained. T.D. ATF–131 did not describe the soils of the regions surrounding the Arroyo Seco AVA.

The proposed expansion petition included a soil report generated from the USDA Natural Resources Conservation Service website, as well as a report from a soil analysis performed on the petitioner's property by an agricultural testing service. The testing service's report shows that the three sample sites from within the proposed expansion area all have low levels of lime, similar to the soils within the Arroyo Seco AVA. The USDA soil report concludes that approximately 96 percent of the soils within the proposed expansion area are from the Lockwood series, and that minor amounts of soils from the Elder and Mocho series are also present. The results from both reports indicate that the soils within the proposed expansion area are very similar to the soils found within the established AVA.

The soils within both the proposed expansion area and the established AVA affect viticulture. Vines planted in soils with low levels of lime are typically slightly acidic and are better able to absorb key nutrients, such as iron and phosphorous, than vines planted in soils with high levels of lime. Well-drained soils reduce the risk of fungal disease and rot.

Topography

T.D. ATF–131 states that the Arroyo Seco AVA consists of sloping bench land surrounding the Arroyo Seco. Slope angles within the AVA are described as between 0 and 9 percent. According to T.D. ATF–131, elevations are highest within the far western portion of the AVA, where elevations can reach over 600 feet in the foothills of the Santa Lucia Mountains. The sloping elevations allow cold air to drain from the vineyards, reducing the risk of frost.

According to the USGS topographic map included in the petition, elevations within the proposed expansion area are similar to those of the adjacent region that is within the Arroyo Seco AVA, which range from approximately 600 feet along the banks of the Arroyo Seco to an unnamed peak with an elevation of 1,110 feet. For comparison, elevations within the proposed expansion area are highest within the northern portion, adjacent to the established AVA's southern boundary, at approximately 700 feet. Elevations in the southern portion of the proposed expansion area, adjacent to the Arroyo Seco, are approximately 600 feet. The USDA soil report included with the proposed expansion petition states that the slope angles within the proposed expansion area are between 0 and 9 percent, which is the same as the range of slope angles attributed to the established AVA in T.D. ATF–131. The USDA soil report also states that the principal landforms of the proposed expansion area are terraces and alluvial fans, which is similar to the topography of the established AVA. Finally, a USGS geologic map of the Salinas River Valley and the Arroyo Seco shows that the terrace formation on which the proposed expansion area is located extends into the Arroyo Seco AVA.

Comparison of the Proposed Arroyo Seco AVA Expansion Area to the Existing Monterey and Central Coast AVAs

Monterey AVA

The Monterey AVA was established by T.D. ATF–177, which was published in the **Federal Register** on June 15, 1984 (49 FR 24714). The Monterey AVA is located in Monterey County, California, south and southeast of the city of Salinas, and covers approximately two-thirds of the county. Elevations within the Monterey AVA are generally below 1,000 feet. The soils of the Monterey AVA are described as having low levels of lime and salt, with pH levels between 5.1 and 8.4, as well as very low levels of organic matter.

The proposed Arroyo Seco AVA expansion area has elevations and soils similar to the Monterey AVA. Within the proposed expansion area, the highest elevations are between 600 and 700 feet. The soils of the proposed expansion area are also low in lime and salt and have pH levels of between 6.2 and 6.6. However, the soil analysis provided in the expansion petition shows that the soils of the proposed expansion area have medium-to-high levels of organic matter, compared to the very low levels of organic matter that characterize the Monterey AVA. Additionally, the expansion petition provided evidence that the proposed expansion area is frequently described as being in an area referred to as the ''Arroyo Seco,'' rather than being described with the broader County name of ''Monterrey.''

Central Coast AVA

The large, 1 million-acre Central Coast AVA was established by T.D. ATF–216, which was published in the **Federal Register** on October 24, 1985 (50 FR 43128). The Central Coast viticultural area encompasses the California counties of Alameda, Contra Costa, Monterey, San Benito, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, and Santa Cruz, and it contains 39 established AVAs. T.D. ATF–216 describes the Central Coast viticultural area as extending from Santa Barbara to the San Francisco Bay

area, and east to the California Coastal Ranges. The only distinguishing feature of the California Coast AVA addressed in T.D. ATF–216 is that all of the included counties experience marine climate influence due to their proximity to the Pacific Ocean.

The Arroyo Seco AVA and the proposed expansion area are both located within the Central Coast AVA. Cool marine breezes enter the established AVA and the proposed expansion area from Monterey Bay via the Salinas River and the Arroyo Seco. However, because of their locations east of the Santa Lucas Mountains, neither the Arroyo Seco AVA nor the proposed expansion area are as exposed to the marine air and fog as the more western regions of the Central Coast AVA that are closer to the ocean. Additionally, due to its much smaller size, the topographical features of the proposed expansion area are more uniform than the diverse features of the large, multicounty Central Coast AVA, and are more similar to the topographical features of the Arroyo Seco AVA, which is located on the same sloping bench lands and terraces along the Arroyo Seco as the proposed expansion area.

TTB Determination

TTB concludes that the petition to expand the boundaries of the established Arroyo Seco AVA merits consideration and public comment, as invited in this notice of proposed rulemaking.

Boundary Description

See the narrative description of the boundary of the petitioned-for expansion area in the proposed regulatory text published at the end of this proposed rule.

Maps

To document the existing and proposed boundaries of the Arroyo Seco AVA, the petitioner provided a copy of the required map, and it is listed below in the proposed regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in § 4.25(e)(3) of the TTB regulations (27 CFR 4.25(e)(3)). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

The approval of the proposed expansion of the Arroyo Seco AVA would not affect any other existing viticultural area. The expansion of the Arroyo Seco AVA would allow vintners to use ''Arroyo Seco'' as an appellation of origin for wines made primarily from grapes grown within the proposed expansion area if the wines meet the eligibility requirements for the appellation.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether it should expand the Arroyo Seco AVA as proposed. TTB is specifically interested in receiving comments on the similarity of the proposed expansion area to the established Arroyo Seco AVA, as well as the differences between the proposed expansion area and the areas outside the Arroyo Seco AVA. Please provide specific information in support of your comments.

Submitting Comments

You may submit comments on this notice of proposed rulemaking by using one of the following three methods:

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this notice within Docket No. TTB–2016–XXXX on ''*Regulations.gov*,'' the Federal e-rulemaking portal, at *http://www.regulations.gov.* A direct link to that docket is available under Notice No. XXX on the TTB website at *https://www.ttb.gov/wine/wine-rulemaking.shtml.* Supplemental files may be attached to comments submitted via *Regulations.gov*. For complete instructions on how to use *Regulations.gov*, visit the site and click on the ''Help'' tab.
- *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005.
- *Hand Delivery/Courier:* You may hand-carry your comments or have them hand-carried to the Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Suite 400, Washington, DC 20005.

Please submit your comments by the closing date shown above in this notice. Your comments must reference Notice No. XXX and include your name and mailing address. Your comments also must be made in English, be legible, and be written in language acceptable for public disclosure. TTB does not acknowledge receipt of comments, and TTB considers all comments as originals.

In your comment, please clearly state if you are commenting for yourself or on behalf of an association, business, or other entity. If you are commenting on behalf of an entity, your comment must include the entity's name, as well as your name and position title. If you comment via *Regulations.gov*, please enter the entity's name in the ''Organization'' blank of the online comment form. If you comment via postal mail or hand delivery/courier, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

TTB will post, and you may view, copies of this notice, selected supporting materials, and any online or mailed comments received about this proposal within Docket No. TTB–2018–0003 on the Federal e-rulemaking portal, *Regulations.gov*, at *http://www.regulations.gov.* A direct link to that docket is available on the TTB website at *https://www.ttb.gov/wine/wine_rulemaking.shtml* under Notice No. 172. You may also reach the relevant docket through the *Regulations.gov* search page at *http://www.regulations.gov.* For information on how to use *Regulations.gov*, click on the website's ''Help'' tab.

All posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including email addresses. TTB may omit voluminous attachments or material that the Bureau considers unsuitable for posting.

You may also view copies of this notice of proposed rulemaking, all related petitions, maps and other supporting materials, and any electronic or mailed comments that TTB receives about this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW, Washington, DC 20005. You may also obtain copies at 20 cents per 8.5-×11-inch page. Please note that TTB is unable to provide copies of USGS maps or other similarly-sized documents that may be included as part of the AVA petition. Contact TTB's information specialist at the above address or by telephone at 202–453–2265 to schedule an appointment or to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this proposed rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this notice of proposed rulemaking.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, TTB proposes to amend title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Section 9.59 is amended by revising paragraphs (c) introductory text and (c)(1), redesignating paragraphs (c)(2) through (c)(21) as paragraphs (c)(3) through (c)(22), and adding new paragraph (c)(2) to read as follows:

§ 9.59 Arroyo Seco.

* * * * *

(c) *Boundaries.* The Arroyo Seco viticultural area is located in Monterey County, California. The beginning point is found on the ''Sycamore Flat'' U.S.G.S. map at the intersection of Jamesburg Road (known locally as Carmel Valley Road) and Arroyo Seco Road, near the intersection of sections 21, 22, 28, and 27, T.19 S., R. 5 E. From the beginning point, proceed southwesterly along Arroyo Seco Road to its intersection with Piney Creek.

(1) Then southeasterly along Piney Creek to its confluence with the Arroyo Seco in section 27, T. 19 S., R. 5 E.

(2) Then northerly along the Arroyo Seco to its intersection with the southern boundary of section 22, T. 19 S., R 5 E.

* * * * *

Signed: November 30, 2017.

John J. Manfreda,

Administrator.

Approved: March 30, 2018.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2018–07093 Filed 4–5–18; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2018–0006; Notice No. 175]

RIN 1513–AC39

Proposed Establishment of the Van Duzer Corridor Viticultural Area and Clarification of the Eola-Amity Hills Viticultural Area Boundary Description

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to establish the approximately 59,871-acre ''Van Duzer Corridor'' viticultural area in portions of Polk and Yamhill Counties, Oregon. The proposed viticultural area lies entirely within the existing Willamette Valley viticultural area. TTB also is proposing to clarify the boundary description of the adjacent Eola–Amity Hills viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. TTB invites comments on this proposed addition to its regulations.

DATES: Comments must be received by June 5, 2018.

ADDRESSES: Please send your comments on this notice to one of the following addresses:

- *Internet: http://www.regulations.gov* (via the online comment form for this notice as posted within Docket No. TTB–2018–0006 at ''*Regulations.gov*,'' the Federal e-rulemaking portal);
- *U.S. Mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; or
- *Hand delivery/courier in lieu of mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Suite 400, Washington, DC 20005.

See the Public Participation section of this notice for specific instructions and requirements for submitting comments, and for information on how to request a public hearing or view or obtain copies of the petition and supporting materials.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01, dated December 10, 2013, (superseding Treasury Order 120–01, dated January 24, 2003), to the TTB Administrator to perform the functions and duties in the administration and enforcement of these provisions.

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes the standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon;
- An explanation of the proposed AVA is sufficiently distinct from an existing AVA so as to warrant separate recognition, if the proposed AVA is to be established within, or overlapping, an existing AVA; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Van Duzer Corridor Petition

TTB received a petition from Mr. Jeff Havlin, the owner of Havlin Vineyard and chair of the Van Duzer Corridor AVA Committee, on behalf of himself and other local grape growers and vintners, proposing the establishment of the ''Van Duzer Corridor'' AVA.

The proposed Van Duzer Corridor AVA is located in Oregon and covers portions of Yamhill and Polk Counties which are north-northwest of the city of Salem and northeast of the city of Dallas. The proposed AVA lies entirely within the established Willamette Valley AVA (27 CFR 9.90) and does not overlap any other existing or proposed AVA. The proposed Van Duzer Corridor AVA covers approximately 59,871 acres and contains 6 wineries and 17 commercially-producing vineyards that cover a total of approximately 1,000 acres.

The distinguishing features of the proposed Van Duzer Corridor AVA are its topography, climate, and soils. Unless otherwise noted, all information and data pertaining to the proposed AVA contained in this document are from the petition for the proposed Van Duzer Corridor AVA and its supporting exhibits.

Name Evidence

The proposed Van Duzer Corridor AVA takes its name from a natural break in Oregon's Coastal Ranges which border the western side of the Willamette Valley.[1] Although the Coastal Ranges create a barrier to air moving inland, this gap creates a wind corridor by providing an opening for cool, moist Pacific Ocean air to flow eastward into the Willamette Valley. An Oregon real estate site notes that temperatures in the Willamette Valley are cooled by breezes moving through ''the Van Duzer Corridor, which runs from Lincoln City on the coast to Salem in the Valley.'' [2] The dining and culinary page of a travel site dedicated to the Salem area encourages readers to ''[h]ead west along Highway 22 to loop through the Van Duzer Corridor. Here vines get the benefit of temperate afternoon breezes and cool evenings—perfect growing conditions for exceptional Pinot noir.'' [3] TTB notes that State Highway 22 forms the southern and southwestern boundaries of the proposed Van Duzer Corridor AVA.

The term ''Van Duzer Corridor'' also is commonly used by local wine industry members to describe the region of the proposed AVA. For example, an article about Johan Vineyards, which is within the proposed AVA, describes the vineyard's location as ''in the southwestern corner of the Van Duzer Corridor.'' [4] A local entertainment blog posted a story about two wineries within the proposed AVA and stated that the wineries ''lie within the Van Duzer Corridor, the gap in the coastal hills bordering Salem * * * .'' [5] An article featuring Pinot noir wines of the proposed AVA notes, ''The influence of the Van Duzer Corridor extends inland to the McMinnville and Eola–Amity Hills appellations as well as the vineyards in the Dallas area of the Willamette Valley.'' [6] TTB notes that the proposed Van Duzer Corridor AVA is located just north of Dallas, Oregon. Additionally, the established McMinnville AVA (27 CFR 9.181) is due north of the proposed AVA, and the established Eola–Amity Hills AVA (27 CFR 9.202) is adjacent to the proposed AVA's eastern boundary. The website for the St. Innocent Winery, which is located in the established Eola–Amity Hills AVA east of the proposed AVA, states that the Willamette Valley ''is affected by winds blowing from the Pacific Ocean through the Van Duzer Corridor eastward. * * * The Eola–Amity Hills AVA is 15 miles due east from the mouth of the Van Duzer Corridor.'' [7] A map on the St. Innocent Winery's website shows the wine regions of Oregon, and an arrow pointing to the region of the proposed AVA is marked as ''Van Duzer Corridor.'' Finally, a wine blog that features the wines of the Pacific Northwest and western Canada includes an article on the Van Duzer Vineyard, which is located in the proposed AVA, and notes that the vineyard ''is planted

[1] The proposed Van Duzer Corridor AVA is distinct from the H.B. Van Duzer Forest State Scenic Corridor. Both the proposed AVA and the H.B. Van Duzer Forest State Scenic Corridor derive their name from the late Henry Brooks Van Duzer, a former Chairman of the Oregon State Highway Commission. *See H.B. Van Duzer Forest State Scenic Corridor—History/FAQ,* Oregon State Parks, *http://oregonstateparks.org/index.cfm?do=parkPage.dsp_parkHistory&parkId=160; see also http://www.princeofpinot.com/article/760.*

[2] *http://www.buccolagroup.com/region/willamette-valley/about.*

[3] *http://www.travelsalem.com/Dining/Dining-Overview.*

[4] *http://www.princeofpinot.com/article/653.*

[5] *http://www.willamettelive.com/2012/news/from-left-coast-to-bethel-heights.*

[6] *http://www.princeofpinot.com/article/760.*

[7] *http://www.stinnocentwine.com/NewFiles/vineyard.html.*

smack dab at the mouth of the Van Duzer Corridor * * *.'' [8]

Boundary Evidence

The proposed Van Duzer Corridor AVA is a roughly triangular region of low, rolling hills east of the Oregon Coastal Ranges. Each of the proposed AVA's boundaries is drawn to delineate the low elevations of the proposed AVA from the surrounding higher elevations. The proposed northern boundary follows a straight line drawn between marked points on USGS quadrangle maps and separates the proposed AVA from the established McMinnville AVA, which is due north of the proposed AVA but does not share a boundary. The eastern boundary of the proposed AVA is concurrent with the western boundary of the established Eola–Amity Hills AVA and follows a series of roads and the 200-foot elevation contour. The proposed southern boundary runs east-west along a State highway north of the city of Dallas and the community of Rickreall. The proposed western boundary follows a north-south road to separate the proposed AVA from the higher elevations of the Coastal Ranges.

Distinguishing Features

The distinguishing features of the proposed Van Duzer Corridor AVA are its soils, topography, and climate.

Soils

The soils of the proposed Van Duzer Corridor AVA are primarily uplifted marine sedimentary loams and silts with alluvial overlay, as well as some uplifted basalt. The soils are typically shallow, well-drained, and have a bedrock of siltstone. The primary soil series within the proposed AVA include Helmick, Steiwer, Hazelair, Chehulpum, Helvetia, and Santiam.

According to the petition, the high silt and clay levels cause the soils to be ''buffered,'' meaning that the soils can absorb increased amounts of added acidic or alkaline substances without affecting the overall pH level of the soil. An increase or decrease in soil pH can affect the way plant roots absorb minerals and nutrients, so the ability of the soils to maintain a stable pH level is beneficial to vineyards within the proposed AVA. The petition also states that the sediments in the soil quickly absorb and ''lock up'' rainfall, so the vines are less able to uptake water. As a result, if heavy rains occur near harvest time, the grapes are less likely to swell and split due to an excessive uptake of water. The vines are also less prone to excessive growth or leaf production than vines planted in soils that allow for more uptake of water. According to the petition, a thinner leaf canopy allows more sunlight to reach the ripening fruit, inhibits the growth of mildew and mold by promoting air circulation.

The soils immediately outside the northern and western boundaries of the proposed AVA contain uplifted marine sediments, similar to the soils of the proposed AVA. However, the soils are primarily from different soil series, including Yamhill, Nekia, and Peavine. Moving farther north and west, the soils begin to contain higher concentrations of basalt and other volcanic materials. East of the proposed AVA, within the Eola–Amity Hills AVA, the soils also contain larger amounts of volcanic materials than are found within the proposed AVA, including soils of the Nekia, Jory, and Ritner series. South of the proposed AVA, the soils contain large concentrations of Ice Age loess, which is not commonly found in the proposed AVA.

Topography

Within the wind corridor known as the ''Van Duzer Corridor,'' the topography is characterized by low elevations and gently rolling hills. The low elevations allow cool breezes to flow relatively unimpeded from the Pacific Ocean, through the Coastal Ranges, and into the proposed AVA. For most of its length, the wind corridor known as the ''Van Duzer Corridor'' is narrow, squeezed by high elevations to the north and south, and there is little room for suitable vineyard sites within this portion of the corridor.

The eastern end of the wind corridor, where the proposed Van Duzer Corridor AVA is located, has the same low elevations and rolling hills as the western portion. However, because the wind corridor widens at its eastern end, there is more room for vineyards. Elevations within the proposed Van Duzer Corridor AVA range from approximately 180 feet to a high point of 589 feet, as shown on the USGS quadrangle maps included with the petition. Because the elevations within the proposed AVA are too low to impede the eastward-flowing marine air, wind speeds are higher within the proposed AVA and temperatures are typically cooler than within the surrounding regions that have higher elevations. Wind speed and temperature and their effects on viticulture will be discussed in more detail later in this document.

To the north of the proposed Van Duzer Corridor AVA, within the established McMinnville AVA, elevations reach up to 1,000 feet. East of the proposed AVA, the higher elevations of the established Eola-Amity Hills AVA form the eastern edge of the wind corridor, reducing the wind speeds and preventing the Pacific air from travelling farther east. Elevations within the Eola-Amity Hills AVA can reach approximately 1,160 feet. South of the proposed Van Duzer Corridor AVA, elevations reach over 700 feet, as shown on the USGS Dallas, Oregon quadrangle map. In the Coastal Ranges west of the proposed AVA, elevations can rise close to 3,000 feet.

Climate

The petition to establish the proposed Van Duzer Corridor AVA included information about the region's climate, in particular the wind speed and cumulative growing degree days (GDDs).[9] According to the petition, wind speed and GDD data were not available for the regions to the west and south-southwest of the proposed AVA due to a lack of publicly accessible weather stations.

Wind speed: Because the proposed Van Duzer Corridor AVA is located within a wind corridor, the petition states that wind speeds within the proposed AVA are typically higher than in the surrounding regions, where higher elevations block the wind and slow its movement inland. According to the petition, consistently high wind speeds contribute to thicker grape skins, which increase the levels of phenolic compounds in the fruit. Phenolic compounds contribute to the taste, aroma, and mouthfeel of wines. The petition also states that wines made from thicker-skinned grapes often have a darker, richer color than wines made from grapes with thin skins.

The following table summarizes the average growing season [10] wind speeds for a vineyard in the center of the proposed AVA, as well as from McMinnville Municipal Airport (north of the proposed AVA) and the Salem Municipal Airport (south-southeast of the proposed AVA).

[8] *http://www.northwestwineanthem.com/2013/02/mind-gap-van-duzer-vineyards.html.*

[9] In the Winkler climate classification system, annual heat accumulation during the growing season, measured in annual growing degree days (GDDs), defines climatic regions. One GDD accumulates for each degree Fahrenheit that a day's mean temperature is above 50 degrees, the minimum temperature required for grapevine growth. See Albert J. Winkler, *General Viticulture* (Berkeley: University of California Press, 1974), pages 61–64.

[10] Growing season is defined as the period between April 1 and November 1.

Location	Average growing season wind speed (miles per hour)			
	2012	2013	2014	2015
Proposed AVA (Andante Vineyards)	11.2	9.9	9.8	[11] 9
McMinnville airport	5.05	4.2	5.85	6.9
Salem airport	6.3	4.6	6.45	8.1

Cumulative growing degree days: According to the petition, temperatures within the proposed Van Duzer Corridor AVA are moderated by the strong Pacific marine breezes. As evidence, the petition includes data on cumulative GDDs for the proposed AVA and surrounding regions, which are shown in the following table.

Location	Cumulative growing degree days			
	2012	2013	2014	2015
Proposed AVA (Andante Vineyards)	2,080	2,243	2,624	[12] 2,074
McMinnville airport	2,298	2,369	2,819	2,753
Salem airport	2,360	2,605	2,987	3,006

The table shows that the proposed AVA has lower GDD accumulations than the surrounding regions, indicating that its temperatures are generally cooler. As a result, fruit ripens more slowly, creating a longer hang time than for the same grape varietal grown in a region with higher GDD accumulations. The petition states that a longer hang time reduces acid respiration in the fruit, resulting in wines with balanced acidity levels.

Summary of Distinguishing Features

In summary, the topography, soils, wind speed, and cumulative growing degree days of the proposed Van Duzer Corridor AVA distinguish it from the surrounding regions. In all directions from the proposed AVA, elevations are higher. Where climate data is available, from north and east of the proposed AVA, wind speeds are lower and GDD accumulations are higher than within the proposed AVA. With respect to soils, volcanic materials are more common in soils to the north, east, and west of the proposed AVA. South of the proposed AVA, soils contain higher concentrations of Ice Age loess.

Comparison of the Proposed Van Duzer Corridor AVA to the Existing Willamette Valley AVA

T.D. ATF–162, which published in the **Federal Register** on December 1, 1983 (48 FR 54220), established the Willamette Valley AVA in northwest Oregon. The Willamette Valley AVA is described in T.D. ATF–162 as a broad alluvial plain surrounded by mountains. Elevations within the AVA generally do not exceed 1,000 feet, which is generally considered to be the maximum elevation for reliable grape cultivation in the region. Soils are described as primarily silty loams and clay loams.

The proposed Van Duzer Corridor AVA is located in the northwestern portion of the Willamette Valley AVA and shares some broad characteristics with the established AVA. For example, elevations within the proposed AVA are below 1,000 feet, and the soils are primarily silty loams and clay loams.

However, the proposed AVA's location at the eastern end of the only wind gap in the portion of the Coastal Ranges that borders the Willamette Valley AVA creates a unique microclimate. The persistently high wind speeds and lower growing degree day accumulations within the proposed Van Duzer Corridor AVA distinguish the proposed AVA from the surrounding regions within the Willamette Valley AVA. Because of the high wind speeds and lower growing degree day accumulations, grapes grown within the proposed AVA typically have different physical characteristics and maturation rates than the same varietals grown in other parts of the Willamette Valley AVA.

Clarification of the Eola-Amity Hills AVA Boundary Description

In this document, TTB also is proposing to make a correction and several clarifications to the boundary description of the existing Eola-Amity Hills AVA (27 CFR 9.202), which is adjacent to the proposed Van Duzer Corridor AVA. The Eola-Amity Hills AVA was established by T.D. TTB–51, which published in the **Federal Register** on July 17, 2006 (71 FR 40404). Because one of the affected Eola-Amity Hills AVA boundaries is also concurrent with the boundary of the proposed AVA, TTB is proposing these clarifications in this document.

First, TTB is proposing to correct the description of the beginning point for the Eola-Amity Hills AVA boundary in § 9.202(c)(1). This paragraph currently states that the AVA boundary's beginning point is at ''the intersection of State Highways 22 and 223,'' which is located west of the town of Rickreall, Oregon. However, the AVA boundary's intended beginning point, as marked on the Rickreall, Oregon quadrangle map that was included with the original AVA petition, is at the intersection of State Highway 22 and Rickreall Road. This intersection is located farther east along State Highway 22 than the currently-described beginning point. TTB believes the erroneous description of the Eola-Amity Hills boundary beginning point resulted from a misreading of the markings for State Highway 223 on the Rickreall, Oregon map.

TTB believes that Oregon wine industry members always have understood the Eola-Amity Hills AVA boundary to begin at the intersection of State Highway 22 and Rickreall Road. TTB notes that commercially-produced maps of the Eola-Amity Hills AVA show its boundary located at the intersection of State Highway 22 and Rickreall Road. For example, see the Eola-Amity Hills AVA maps posted at *http://eolaamityhills.com/explore-our-region/regional-map/* and *http://www.everyvine.com/wine-regions/*

[11] Due to technical difficulties with the weather station, 2015 data from Adante Vineyards was only available through September 14.

[12] Due to technical difficulties with the weather station, 2015 data from Adante Vineyards was only available through September 14.

region/Eola_-_Amity_Hills/. TTB is therefore proposing to amend paragraph (c)(1) to correct the description of the AVA boundary's beginning point.

Second, TTB is proposing to amend the Eola-Amity Hills boundary instructions in § 9.202(c)(12), (13), (15), and (16) for clarity. TTB believes the term ''township of Bethel'' in current paragraph (c)(12) may be confusing since Bethel appears on the Amity, Oregon map as the name of a crossroads, not as the name of a political or geographic township. Therefore, TTB proposes to remove the word ''township'' from paragraph (c)(12) and to add a more precise description of the point where the AVA's boundary, following Oak Grove Road, intersects the 200-foot contour line.

In paragraph (c)(13), TTB proposes to clarify the direction in which the Eola-Amity Hills AVA boundary proceeds along the 200-foot contour line from Oak Grove Road, to clarify the point at which that contour line intersects Zena Road, and to clarify that the boundary follows Zena Road for a short distance to its intersection with Oak Grove Road south of Bethel. In paragraph (c)(15), TTB is clarifying that the AVA boundary follows Frizzell Road to the road's first intersection with the 200-foot contour line. In paragraph (c)(16), TTB is clarifying that, in returning to the AVA's boundary's beginning point, the boundary crosses from the Amity, Oregon map onto the Rickreall, Oregon map.

The proposed correction and clarifications are not intended to alter the acreage of the Eola-Amity Hills AVA. TTB believes that the correction and clarifications described above do not affect the location of the AVA's boundary as originally intended by the AVA's petitioners and as it is currently understood by members of the Oregon wine industry. TTB also believes that the correction and clarifications will not affect the ability of any bottler to use the Eola-Amity Hills AVA name on a wine label. However, if any interested party believes the proposed correction or any of the proposed clarifications would affect the location of the AVA's boundary, or would affect their ability to use the Eola-Amity Hills AVA name on a wine label, please submit a comment to TTB as described in the Public Participation section of this notice.

TTB Determination

TTB concludes that the petition to establish the approximately 59,871-acre Van Duzer Corridor AVA merits consideration and public comment, as invited in this notice of proposed rulemaking.

Boundary Description

See the narrative description of the boundary of the petitioned-for AVA in the proposed regulatory text published at the end of this proposed rule.

Maps

The petitioner provided the required maps, and they are listed below in the proposed regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in § 4.25(e)(3) of the TTB regulations (27 CFR 4.25(e)(3)). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

If TTB establishes this proposed AVA, its name, ''Van Duzer Corridor,'' will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the proposed regulation clarifies this point. Consequently, wine bottlers using the name ''Van Duzer Corridor'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, would have to ensure that the product is eligible to use the AVA name as an appellation of origin if this proposed rule is adopted as a final rule. TTB is not proposing ''Van Duzer,'' standing alone, as a term of viticultural significance if the proposed AVA is established, in order to avoid a potential conflict with a current label holder. Accordingly, the proposed part 9 regulatory text set forth in this document specifies only the full name ''Van Duzer Corridor'' as a term of viticultural significance for purposes of part 4 of the TTB regulations.

The approval of the proposed Van Duzer Corridor AVA would not affect any existing AVA, and any bottlers using ''Van Duzer Corridor'' as an appellation of origin or in a brand name for wines made from grapes grown within the Van Duzer Corridor AVA would not be affected by the establishment of this new AVA. The establishment of the proposed Van Duzer Corridor AVA would allow vintners to use ''Van Duzer Corridor'' and ''Willamette Valley'' as appellations of origin for wines made from grapes grown within the proposed Van Duzer Corridor AVA, if the wines meet the eligibility requirements for the appellation.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether it should establish the proposed AVA. TTB is also interested in receiving comments on the sufficiency and accuracy of the name, boundary, soils, climate, and other required information submitted in support of the petition. In addition, given the proposed Van Duzer Corridor AVA's location within the existing Willamette Valley AVA, TTB is interested in comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed AVA sufficiently differentiates it from the existing Willamette Valley AVA. TTB is also interested in comments on whether the geographic features of the proposed AVA are so distinguishable from the surrounding Willamette Valley AVA that the proposed Van Duzer Corridor AVA should no longer be part of that AVA. Please provide any available specific information in support of your comments. Finally, TTB is interested in comments on whether the proposed correction and clarifications to the Eola-Amity Hills AVA boundary are accurate and necessary to avoid reader confusion.

Because of the potential impact of the establishment of the proposed Van Duzer Corridor AVA on wine labels that include the term ''Van Duzer Corridor'' as discussed above under Impact on Current Wine Labels, TTB is particularly interested in comments regarding whether there will be a conflict between the proposed AVA name and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any anticipated negative economic impact that approval of the proposed AVA will have on an existing viticultural enterprise. TTB is also interested in receiving suggestions for ways to avoid

conflicts, for example, by adopting a modified or different name for the AVA.

Submitting Comments

You may submit comments on this notice by using one of the following three methods:

• *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this notice within Docket No. TTB–2018–0006 on ''*Regulations.gov*,'' the Federal e-rulemaking portal, at *http://www.regulations.gov.* A direct link to that docket is available under Notice No. 175 on the TTB website at *https://www.ttb.gov/wine/wine-rulemaking.shtml.* Supplemental files may be attached to comments submitted via *Regulations.gov*. For complete instructions on how to use *Regulations.gov*, visit the site and click on the ''Help'' tab.

• *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005.

• *Hand Delivery/Courier:* You may hand-carry your comments or have them hand-carried to the Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Suite 400, Washington, DC 20005.

Please submit your comments by the closing date shown above in this notice. Your comments must reference Notice No. 175 and include your name and mailing address. Your comments also must be made in English, be legible, and be written in language acceptable for public disclosure. TTB does not acknowledge receipt of comments, and TTB considers all comments as originals.

In your comment, please clearly state if you are commenting for yourself or on behalf of an association, business, or other entity. If you are commenting on behalf of an entity, your comment must include the entity's name, as well as your name and position title. If you comment via *Regulations.gov*, please enter the entity's name in the ''Organization'' blank of the online comment form. If you comment via postal mail or hand delivery/courier, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

TTB will post, and you may view, copies of this notice, selected supporting materials, and any online or mailed comments received about this proposal within Docket No. TTB–2018–0006 on the Federal e-rulemaking portal, *Regulations.gov*, at *http://www.regulations.gov.* A direct link to that docket is available on the TTB website at *https://www.ttb.gov/wine/wine_rulemaking.shtml* under Notice No. 175. You may also reach the relevant docket through the *Regulations.gov* search page at *http://www.regulations.gov.* For information on how to use *Regulations.gov*, click on the site's ''Help'' tab.

All posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including email addresses. TTB may omit voluminous attachments or material that the Bureau considers unsuitable for posting.

You may also view copies of this notice, all related petitions, maps and other supporting materials, and any electronic or mailed comments that TTB receives about this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW, Washington, DC 20005. You may also obtain copies at 20 cents per 8.5 x 11 inch page. Please note that TTB is unable to provide copies of USGS maps or other similarly-sized documents that may be included as part of the AVA petition. Contact TTB's information specialist at the above address or by telephone at 202–453–2270 to schedule an appointment or to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this proposed rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this notice of proposed rulemaking.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, TTB proposes to amend title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Amend § 9.202 by revising paragraphs (c)(1), (12), (13), (15), and (16) to read as follows:

§ 9.202 Eola-Amity Hills.

* * * * *

(c) * * *

(1) The beginning point is on the Rickreall, Oregon, map at the intersection of State Highway 22 and Rickreall Road, near the Oak Knoll Golf Course, in section 50, T7S, R4W;

* * * * *

(12) Follow Old Bethel Road, which becomes Oak Grove Road, south until the road intersects the 200-foot contour line approximately 400 feet north of Oak Grove Road's northern intersection with Zena Road, just northwest of Bethel; then

(13) Follow the 200-foot contour line easterly and then southerly until its first intersection with Zena Road, and then follow Zena Road west approximately 0.25 mile to its southern intersection with Oak Grove Road, south of Bethel; then

* * * * *

(15) Follow Frizzell Road west for approximately 0.25 mile to its first intersection with the 200-foot contour line, then

(16) Follow the 200-foot contour line generally south, crossing onto the Rickreall, Oregon, map, until the contour line intersects the beginning point.

■ 3. Subpart C is amended by adding § 9.___ to read as follows:

§ 9.___ Van Duzer Corridor.

(a) *Name.* The name of the viticultural area described in this section is ''Van Duzer Corridor''. For purposes of part 4 of this chapter, ''Van Duzer Corridor'' is a term of viticultural significance.

(b) *Approved maps.* The five United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Van Duzer Corridor viticultural area are titled:

(1) Sheridan, Oreg., 1956; revised 1992;

(2) Ballston, Oreg., 1956; revised 1992;

(3) Dallas, Oreg., 1974; photorevised 1986;

(4) Amity, Oreg., 1957; revised 1993; and

(5) Rickreall, Oreg., 1969; photorevised 1976;

(c) *Boundary.* The Van Duzer Corridor viticultural area is located in Polk and Yamhill Counties, in Oregon. The boundary of the Van Duzer Corridor viticultural area is as described below:

(1) The beginning point is on the Sheridan map at the intersection of State Highway 22 and Red Prairie Road. From the beginning point, proceed southeasterly along State Highway 22 for a total of 12.4 miles, crossing over the Ballston and Dallas maps and onto the Rickreall map, to the intersection of the highway with the 200-foot elevation contour west of the Oak Knoll Golf Course; then

(2) Proceed north on the 200-foot elevation contour, crossing onto the Amity map, to the third intersection of the elevation contour with Frizzell Road; then

(3) Proceed east on Frizzell Road for 0.3 mile to the intersection of the road with Oak Grove Road; then

(4) Proceed north along Oak Grove Road for 1.7 miles to the intersection of the road with Zena Road; then

(5) Proceed east on Zena Road for approximately 0.25 mile to the second intersection of the road with the 200-foot elevation contour; then

(6) Proceed northwest along the 200-foot elevation contour to the intersection of the elevation contour with Oak Grove Road; then

(7) Proceed north along Oak Grove Road (which becomes Old Bethel Road) approximately 7.75 miles to the intersection of the road with Patty Lane; then

(8) Proceed west in a straight line for a total of 10.8 miles, crossing over the Ballston map and onto the Sheridan map, to the intersection of the line with State Highway 18; then

(9) Proceed southwest along State Highway 18 for 0.3 miles to the intersection of the highway with Red Prairie Road; then

(10) Proceed south along Red Prairie Road for approximately 5.3 miles, returning to the beginning point.

Signed: November 30, 2017.

John J. Manfreda,

Administrator.

Approved: March 30, 2018.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2018–07089 Filed 4–5–18; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0105]

RIN 1625–AA87

Security Zone, Seattle's Seafair Fleet Week Moving Vessels, Puget Sound, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its Seattle Seafair Fleet Week Moving Vessels Security Zone regulation. This amendment would change the information in annual notices of enforcement that are published both in the **Federal Register** and Local Notice to Mariners. This action is necessary because last minute changes in the vessels participating in the Parade of Ships during Fleet Week prevent the Coast Guard from identifying the designated participating vessels in the **Federal Register** within the allotted timeframe. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 21, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0105 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Petty Officer Zachary Spence, Sector Puget Sound Waterways Management Branch, U.S. Coast Guard; telephone 206–217–6051, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On July 10, 2012 (77 FR 40521), the Coast Guard Captain of the Port, Sector Puget Sound, published a final rule that became effective Aug. 1, 2012; the Seattle's Seafair Fleet Week Moving Vessels security zone. That final rule establishes a security zone around designated participating vessels that are not protected by the Naval Vessel Protection Zone in Seattle's Seafair Fleet Week Parade of Ships. Designated participating vessels are named by the Coast Guard each year prior to the event in a **Federal Register** notice, as well as the Local Notice to Mariners. These security zones are necessary to help ensure the security of the vessels from sabotage or other subversive acts.

The purpose of this rulemaking is to amend the information required in the Notice of Enforcement published in the **Federal Register** and Local Notice to Mariner and add the requirement to publish the names of participating vessel in a Broadcast Notice to Mariners before the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The Captain of the Port Puget Sound proposes to amend the provisions in 33 CFR 165.1333 regarding information published in the notice of enforcement for the annual security zone for Seattle's Seafair Fleet Weeks Parade of Ships. Currently, the Coast Guard publishes the names of the vessels participating in the Parade of Ships, in a notice of enforcement at least 3 days prior to the beginning of Seattle's Seafair. These are military vessels. In past years, some vessels participating in the Parade of Ships changed their plans due to operational needs, and as a result, the changes precluded the Coast Guard from providing sufficient notice in the **Federal Register**. This proposed amendment is necessary because the changing schedules of vessels sometimes makes it impossible to know which vessels will ultimately participate in the Parade of Ships and

also provide timely notice in the **Federal Register**.

The Coast Guard proposes to amend the information required in the notice of enforcement to only include the date and time of the Parade of Ships, and not the names of the vessels. In order to provide notice to the public regarding the vessels requiring the security zone, the Coast Guard will provide notice to the public of the designated participating vessels by issuing a Broadcast Notice to Mariners before and during the event. In addition, the security zone will be enforced with actual notice during the Seattle Seafair Fleet Week each year. 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 fact that this rule would only change the mean in which the public will be notified about the security 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 security 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 amending the way in which the Coast Guard will notify the public which vessels are designated participants in Seattle's Seafair Fleet Week. 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. Amend § 165.1333 by revising paragraphs (a) and (e) to read as follows:

§ 165.1333 Security Zones, Seattle's Seafair Fleet Week moving vessels, Puget Sound, WA.

(a) *Location.* The following areas are security zones: all navigable waters within 500 yards of each designated participating vessel in the Parade of Ships while each such vessel is in the Sector Puget Sound Captain of the Port (COTP) zone, as defined in 33 CFR 3.65–10, during a time specified in paragraph (e) of this section.

* * * * *

(e) *Annual enforcement period.* The security zones described in paragraph (a) of this section will be enforced with actual notice during Seattle Seafair Fleet Week each year for a period of up to 1 week. The Seattle Seafair Fleet Week will occur annually sometime between July 25 and August 14. The Coast Guard will publish an annual notice enforcement containing the dates that this section will be enforced in the **Federal Register** and Local Notice to Mariners. A Broadcast Notice to Mariners will also be issued before the start of the Seattle Seafair Fleet Week to identify the designated participating vessels for that year.

Dated: April 2, 2018.

Linda A. Sturgis,

Captain, U.S. Coast Guard, Captain of the Port Puget Sound.

[FR Doc. 2018–07026 Filed 4–5–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 3 and 5

RIN 2900–AO13

VA Compensation and Pension Regulation Rewrite Project

AGENCY: Department of Veterans Affairs.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) published a notice of proposed rulemaking in the **Federal Register** on November 27, 2013, proposing to reorganize and rewrite its compensation and pension regulations in a logical, claimant focused, and user-friendly format. The intended effect of the proposed revisions was to assist claimants, beneficiaries, veterans' representatives, and VA personnel in locating and understanding these regulations. VA has since determined that an incremental approach to revising these regulations is the only feasible method for the Veterans Benefit Administration (VBA) as it exists today. Therefore, VA is withdrawing the proposed rule, RIN 2900–AO13–VA Compensation and Pension Regulation Rewrite Project, that was published on November 27, 2013, at 78 FR 71,042.

DATES: The proposed rule published on November 27, 2013, at 78 FR 71,042, is withdrawn as of April 6, 2018.

FOR FURTHER INFORMATION CONTACT: Michael P. Shores, Director, Office of Regulations Policy & Management (00REG), Office of the Secretary, Department of Veterans Affairs, 810 Vermont Ave. NW, Washington, DC 20420, (202) 461–4902 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The VA Office of the Secretary provides centralized management and coordination of VA's rulemaking process through its Office of Regulation Policy and Management (ORPM). ORPM oversaw VA's Regulation Rewrite Project (the Project) to improve the organization and clarity of VA's adjudication regulations, which are in current 38 CFR part 3. These regulations govern the adjudication of claims for VA's monetary benefits (including compensation, pension, dependency and indemnity compensation, and burial benefits), which are administered by the Veterans Benefits Administration (VBA).

The Project responded to a recommendation made by the VA Claims Processing Task Force in its October 2001 ''Report to the Secretary of Veterans Affairs'' and to criticisms of VA regulations by the U.S. Court of Appeals for Veterans Claims. The Task Force recommended that VA reorganize its regulations in a logical, coherent manner. The Court referred to the current regulations as a ''confusing tapestry'' and criticized VA for maintaining substantive rules in its Adjudication Procedures Manual (manual). Accordingly, the Project reviewed the manual to identify provisions that might be substantive and proposed to incorporate those provisions in a complete rewrite of part 3 that would be located at a new part 5. To be clear, the goal was never to substantively alter the law pertaining to VA monetary benefits, but to convey this law (to include current regulations, VA General Counsel opinions, court decisions, and substantive manual provisions) in readable language and an organized format. 78 FR at 71,042; see also 79 FR 57,660, 57,678 (Sep. 25, 2014) (commenting on the scope of the Rewrite Project).

VA published the rewritten material in 20 Notices of Proposed Rulemaking (NPRMs) and gave interested persons 60 days to submit comments after each publication. These NPRMs addressed specific topics, programs, or groups of regulatory material organized under the following Rulemaking Identifier Numbers (RIN):

- RIN 2900–AL67, Service Requirements for Veterans (January 30, 2004)
- RIN 2900–AL70, Presumptions of Service Connection for Certain Disabilities, and Related Matters (July 27, 2004)
- RIN 2900–AL71, Accrued Benefits, Death Compensation, and Special Rules Applicable Upon Death of a Beneficiary (October 1, 2004)

- RIN 2900–AL72, Burial Benefits (April 8, 2008)
- RIN 2900–AL74, Apportionments to Dependents and Payments to Fiduciaries and Incarcerated Beneficiaries (January 14, 2011)
- RIN 2900–AL76, Benefits for Certain Filipino Veterans and Survivors (June 30, 2006)
- RIN 2900–AL82, Rights and Responsibilities of Claimants and Beneficiaries (May 10, 2005)
- RIN 2900–AL83, Elections of Improved Pension; Old-Law and Section 306 Pension (December 27, 2004)
- RIN 2900–AL84, Special and Ancillary Benefits for Veterans, Dependents, and Survivors (March 9, 2007)
- RIN 2900–AL87, General Provisions (March 31, 2006)
- RIN 2900–AL88, Special Ratings (October 17, 2008)
- RIN 2900–AL89, Dependency and Indemnity Compensation Benefits (October 21, 2005)
- RIN 2900–AL94, Dependents and Survivors (September 20, 2006)
- RIN 2900–AL95, Payments to Beneficiaries Who Are Eligible for More than One Benefit (October 2, 2007)
- RIN 2900–AM01, General Evidence Requirements, Effective Dates, Revision of Decisions, and Protection of Existing Ratings (May 22, 2007)
- RIN 2900–AM04, Improved Pension (September 26, 2007)
- RIN 2900–AM05, Matters Affecting the Receipt of Benefits (May 31, 2006)
- RIN 2900–AM06, Payments and Adjustments to Payments (October 31, 2008)
- RIN 2900–AM07, Service-Connected Disability Compensation (September 1, 2010)
- RIN 2900–AM16, VA Benefit Claims (April 14, 2008)

VA received numerous comments to the 20 NPRMs and on November 27, 2013, proposed amendments to the 20 NPRMs in one document, RIN 2900–AO13. 78 FR at 71,042. VA received additional comments on AO13, from private individuals and several Veterans Service Organizations, and VA thanks the commenters for the time they invested and their input.

As noted in RIN 2900–AO13, in 2012, the Veterans Benefits Administration (VBA) formulated a Transformation Plan to improve the delivery of benefits to veterans and their dependents and survivors. 78 FR at 71,043. VA acknowledged that, to ensure successful implementation of the plan, a final rule with regard to the Rewrite Project would not be published in the near future and would ultimately require an evaluation of the feasibility of a one-time implementation of proposed Part 5. Id. In the interim, VA assured, Part 3 regulations would be updated and improved as needed, to include the type of readability changes proposed for Part 5. Id.

Over the past five years, such updates have occurred, see, *e.g.,* 79 FR 32,653 (June 6, 2014) (implementing improvements sourced in RIN 2900–AL72), and VA proposes to continue this current rulemaking approach—updating Part 3 and Part 4 as needed—but at an accelerated pace designed to also incorporate needed changes from proposed Part 5 for clarity and simplicity. Thus, it will not be adopting a one-time implementation of proposed Part 5. This will avoid the inevitable confusion caused by two co-existing sets of regulations and manuals that may or may not be applicable depending on the date of the claim. It will avoid the delays and decreases in productivity inherent in any transition where adjudicators have to familiarize themselves with all new sections and provisions. It will also ease programming complexity and allow VBA to manage the risk associated with the transition to revised regulations. VA has already undertaken a review to identify and prioritize the needs and expectations for incorporating proposed Part 5 improvements, where possible, into the current Part 3 and Part 4.

Phased implementation allows for incremental assessment and development of the required system modifications. Controlling the rate of rewrite implementation allows VBA to retain, plan for, and mitigate adverse system impacts and development needs by reordering phases as necessary. The plan also affords VBA flexibility in scaling personnel and other resource allocations to each new phase, if necessary. One-time implementation would require extensive training for personnel, as well as costs associated with IT equipment, installation, maintenance, support, and system updates. Even though the proposed rules were not intended to alter substantive law, they would alter the terminology, section numbers, and organization of the current regulations upon which current VA systems, applications, forms, and tools are based. Thus, one-time implementation would involve a rework of numerous computer-based processing applications, claims-related training tools and materials, quality assurance tools, claims-related forms, and the Adjudication Procedures Manual. It would syphon resources from existing modernization priorities, such as improvements to the Veterans Benefits Management System and National Work Queue. This phased rollout minimizes disruption of these major IT modernization projects, as well as other VA initiatives requiring substantial personnel or training.

Changes in Part 3 and Part 4 regulations, to include incorporation of proposed Part 5 improvements, where appropriate, can be achieved over a number of years. Some of these changes are already underway, with VA's modernized Part 4, VA Schedule for Rating Disabilities, slated for publication in the near future. This multi-year approach minimizes disruption on field operations (and ultimately claim production and accuracy), as well as VBA Central Office staffing required to implement the revised regulations.

For the above reasons, VA is withdrawing RIN 2900–AO13.

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 April 3, 2018, for publication.

Dated: April 3, 2018.

Jeffrey M. Martin,

Impact Analyst, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2018–07078 Filed 4–5–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AP00

Definition of Domiciliary Care

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend its rule defining domiciliary care, to accurately reflect the scope of services currently provided under the Domiciliary Care Program. VA's Domiciliary Care Program provides a temporary home to certain veterans, which includes the furnishing of shelter, goods, clothing and other comforts of home, as well as

medical services. In 2005 VA designated its Mental Health Residential Rehabilitation Treatment Program (MH RRTP) as a type of domiciliary care. MH RRTP provides clinically intensive residential rehabilitative services to certain mental health patient populations. We propose to amend the definition of domiciliary care to reflect that domiciliary care includes MH RRTP. In addition, VA domiciliary care, as a matter of long-standing practice, includes non-permanent housing, but this is not clear in the regulation. The proposed rule would clarify that domiciliary care provides temporary, not permanent, residence to affected veterans.

DATES: *Comment Date:* Comments on the proposed rule must be received by VA on or before June 5, 2018.

ADDRESSES: Written comments may be submitted through *http://www.Regulations.gov*; by mail or hand delivery to the Director, Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue NW, Room 1063B, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to ''RIN 2900–AP00—Definition of Domiciliary Care.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System at *www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Jamie R. Ploppert, National Director, Mental Health Residential Treatment Programs (10P4M), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or (757) 722–9991 extension 1123. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Title 38, United States Code (U.S.C.), section 1710(b)(2) authorizes VA to provide needed domiciliary care to veterans whose annual income does not exceed the applicable maximum annual rate of VA pension and to veterans who have no adequate means of support. The term ''domiciliary care'' is currently defined at 38 Code of Federal Regulations (CFR) 17.30(b) as the furnishing of a home to a veteran, embracing the furnishing of shelter, food, clothing and other comforts of home, including necessary medical services, as well as travel and incidental expenses pursuant to 38 CFR 70.10. Veterans must meet eligibility criteria found in § 17.46(b) as well as § 17.47(b)(2) and (c) to receive domiciliary care.

The domiciliary program was authorized to provide eligible veterans with a home and coordinated ambulatory medical care as needed. Typically, domiciliaries are co-located with VA medical centers or exist as designated bed-settings within the centers. By law, eligible veterans include only: Those whose annual income does not exceed the maximum annual rate of pension payable to a Veteran in need of regular aid and attendance; or (2) those who have no adequate means of support, as this phrase is defined in 38 CFR 17.47(b)(2), who can perform the activities specified in 38 CFR 17.46(b) but who suffer from a chronic disability, disease, or defect that results in the veteran being unable to earn a living for a prospective period. See 38 CFR 17.47 (b)(2) and (c).

VA domiciliaries served initially as ''Soldiers' Homes'' for economically-disadvantaged Veterans with chronic medical needs that can be addressed on an outpatient basis. Domiciliary care provides services to economically-disadvantaged veterans, and VA remains committed to serving that group. Historically, domiciliary care in VA has primarily been focused on delivering care to older residents who cannot live independently but who do not require admission to a nursing home. However, ''domiciliary care'' has expanded to also provide services to veterans who require residential rehabilitation treatment for mental health or substance use issues. While the above-referenced statutory definitions and eligibility criteria still apply as do the regulatory criteria of §§ 17.46(b) and 17.47(b)(2), the scope of services furnished under the program has evolved significantly, requiring revision of § 17.30(b) and § 17.47(c). We propose to amend the definition of domiciliary care to reflect that change.

The scope of clinical services available to VA domiciliary residents has necessarily become specialized over time due to the characteristics of the patient populations served by the residential rehabilitation treatment model. In 2005, VA administratively designated all MH RRTP facilities as domiciliary care facilities to fully integrate mental health; residential rehabilitation; and treatment and domiciliary care. VA established the first MH RRTP in 1995. MH RRTPs provide comprehensive supervised treatment and rehabilitative services to veterans with mental health or substance use disorders, and coexisting medical or psychosocial needs such as homelessness and unemployment. MH RRTPs identify and address goals of rehabilitation, recovery, health maintenance, improved quality of life, and community integration in addition to specific treatment of medical conditions, mental illnesses, addictive disorders, and homelessness. The residential component emphasizes incorporation of clinical treatment gains into a lifestyle of self-care and personal responsibility. MH RRTPs provide a 24 hours-per-day, 7 days-per-week structured and supportive residential environment similar to that in traditional domiciliary care. However, there are differences in the type of care delivered. The goals of care for residential rehabilitation treatment reflect a stronger emphasis on rehabilitative services, including professional, counseling, and guidance services as well as treatment programs. Rehabilitative services are designed to facilitate the process of recovery from injury, illness, or disease. These services are intended to restore, to the maximum extent possible, the physical, mental, and psychological functioning of veterans receiving residential rehabilitation treatment.

Since 2010, domiciliary care has been included as part of VA's MH RRTP, which began in 1995. VA domiciliaries are used currently for VA's Domiciliary Residential Rehabilitation Treatment Programs; Domiciliary Care for Homeless Veterans Program; Health Maintenance Domiciliary Beds Program; General Domiciliary or Psychosocial Residential Rehabilitation Treatment Program; Domiciliary Substance Abuse Programs; and Domiciliary Post-Traumatic Stress Disorder Programs. These are the patient populations currently residing in our domiciliaries. VA therefore proposes to update the definition of domiciliary care in § 17.30(b) to reflect the scope of clinically intensive rehabilitation services included in the program.

Current § 17.30(b) defines domiciliary care as the furnishing of a home to a veteran, embracing the furnishing of shelter, food, clothing and other comforts of home, including necessary medical services. We would amend this definition by stating that domiciliary care means a ''temporary home'' rather than ''home.'' This is consistent with VA's long-standing practice of providing domiciliary care as a non-permanent living arrangement for eligible veterans. This proposed change would not alter VA's commitment to ensure extended or geriatric care is available to older

veterans eligible for VA domiciliary care, that is, those who cannot live independently but who do not require admission to a nursing home. These veterans receive their domiciliary care through State Veterans Homes Domiciliary Programs and VA pays half of the cost of that care through per diem payments. We would define domiciliary care to also mean a day hospital program consisting of intensive supervised rehabilitation and treatment provided in a therapeutic residential setting for residents with mental health or substance use disorders, and co-occurring medical or psychosocial needs such as homelessness and unemployment.

Current § 17.47 addresses considerations applicable in determining eligibility for hospital care, medical services, nursing home care, or domiciliary care. Current paragraph (c) clarifies that ''domiciliary care, as the term implies, is the provision of a home, with such ambulant medical care as is needed.'' For the reasons stated above, we would amend this paragraph to reflect that domiciliary care provides a temporary home.

Effect of Rulemaking

The CFR, as proposed to be revised by this proposed rule, would represent the exclusive legal authority on this subject. No contrary rules or procedures are authorized. All VA guidance will be read to conform with this proposed rulemaking if possible or, if not possible, such guidance will be superseded by this rulemaking.

Paperwork Reduction Act

This proposed rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This proposed rule would directly affect only individuals treated within VA and would not affect any small entities. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Executive Orders 12866, 13563 and 13771

Executive Orders (E.O.) 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). E.O. 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. E.O. 12866 (Regulatory Planning and Review) defines a ''significant regulatory action'' requiring review by the Office of Management and Budget (OMB), unless OMB waives such review, as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined not to be a significant regulatory action under E.O. 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm/,* by following the link for ''VA Regulations Published From FY 2004 Through Fiscal Year to Date.''

This proposed rule is not expected to be an E.O. 13771 regulatory action because this proposed rule is not significant under E.O. 12866.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This proposed rule would have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.007, Blind Rehabilitation Centers; 64.008, Veterans Domiciliary Care; 64.009, Veterans Medical Care Benefits; 64.010, Veterans Nursing Home Care; 64.011, Veterans Dental Care; 64.012, Veterans Prescription Service; 64.013, Veterans Prosthetic Appliances; 64.014, Veterans State Domiciliary Care; 64.015, Veterans State Nursing Home Care; 64.018, Sharing Specialized Medical Resources; 64.019, Veterans Rehabilitation Alcohol and Drug Dependence; 64.022, Veterans Home Based Primary Care; and 64.024, VA Homeless Providers Grant and Per Diem Program.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Reporting and recordkeeping requirements, Travel and transportation expenses, Veterans.

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. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on February 27, 2018, for publication.

Dated: April 3, 2018.

Consuela Benjamin,

Regulations Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons stated in the preamble, Department of Veterans Affairs proposes to amend 38 CFR part 17 as follows:

PART 17—MEDICAL

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

Authority: 38 U.S.C. 501, and as noted in specific sections.

Section 17.38 also issued under 38 U.S.C. 101, 501, 1701, 1705, 1710, 1710A, 1721, 1722, 1782, and 1786.

Section 17.63 also issued under 38 U.S.C. 1730.

Section 17.169 also issued under 38 U.S.C. 1712C.

Sections 17.380 and 17.412 are also issued under sec. 260, Public Law 114–223, 130 Stat. 857.

Section 17.410 is also issued under 38 U.S.C. 1787.

Section 17.415 is also issued under 38 U.S.C. 7301, 7304, 7402, and 7403.

Sections 17.640 and 17.647 are also issued under sec. 4, Public Law 114–2, 129 Stat. 30.

Sections 17.641 through 17.646 are also issued under 38 U.S.C. 501(a) and sec. 4, Public Law 114–2, 129 Stat. 30.

■ 2. Amend § 17.30 by revising paragraph (b) to read as follows:

§ 17.30 Definitions.

* * * * *

(b) *Domiciliary care.* The term domiciliary care—

(1) Means the furnishing of:

(i) A temporary home to a veteran, embracing the furnishing of shelter, food, clothing and other comforts of home, including necessary medical services; or

(ii) A day hospital program consisting of intensive supervised rehabilitation and treatment provided in a therapeutic residential setting for residents with mental health or substance use disorders, and co-occurring medical or psychosocial needs such as homelessness and unemployment.

(2) Includes travel and incidental expenses pursuant to § 70.10 of this chapter.

* * * * *

■ 3. Amend § 17.47 by removing the word ''home'' in the second sentence of paragraph (c) and adding, in its place, ''temporary home''.

[FR Doc. 2018–07082 Filed 4–5–18; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2017–0567, FRL–9975–09—Region 8]

Promulgation of State Implementation Plan Revisions; Colorado; Attainment Demonstration for the 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area, and Approval of Related Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On May 31, 2017, the State of Colorado submitted State Implementation Plan (SIP) revisions related to attainment of the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) for the Denver Metro/North Front Range (DMNFR) Moderate nonattainment area by the applicable attainment date of July 20, 2018. The Environmental Protection Agency (EPA) proposes to approve the majority of the submittal, which includes an attainment demonstration, base and future year emission inventories, a reasonable further progress (RFP) demonstration, a reasonably available control measures (RACM) analysis, a motor vehicle inspection and maintenance (I/M) program in Colorado Regulation Number 11 (Reg. No. 11), a nonattainment new source review (NNSR) program, a contingency measures plan, 2017 motor vehicle emissions budgets (MVEBs) for transportation conformity, and revisions to Colorado Regulation Number 7 (Reg. No. 7). The EPA is also proposing to approve portions of the reasonably available control technology (RACT) analysis. Finally, the EPA proposes to approve revisions made to Colorado's Reg. No. 7 in a May 5, 2013 SIP submission. This action is being taken in accordance with the Clean Air Act (CAA).

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2017–0567, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, 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: Abby Fulton, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6563, *fulton.abby@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What action is the Agency taking?

As explained below, the EPA is proposing various actions on Colorado's proposed revisions to its SIP that it submitted to the EPA on May 5, 2013, and May 31, 2017. Specifically, we are proposing to approve Colorado's 2017 attainment demonstration for the 2008 8-hour ozone NAAQS. In addition, we propose to approve the MVEBs contained in the State's submittal. We also propose to approve all other aspects of the submittal, except for certain area source categories and major source RACT, which we will be acting on at a later date. We propose to approve the revisions to Colorado's Reg. 11 and 7, except for Section X.E of Reg. 7, which we will be acting on at a later date. We propose to approve the revisions to Colorado Reg. 7 Sections I, II, VI, VII, VIII, and IX from the State's May 5, 2013 submittal.

The specific bases for our proposed actions and our analyses and findings are discussed in this proposed rulemaking. Technical information that we rely upon in this proposal is contained in the docket, available at *http://www.regulations.gov,* Docket No. EPA–R08–OAR–2017–0567.

II. Background

On March 12, 2008, the EPA revised both the primary and secondary NAAQS for ozone to a level of 0.075 parts per million (ppm) (based on the annual fourth-highest daily maximum 8-hour average concentration, averaged over 3 years) to provide increased protection of public health and the environment (73 FR 16436, March 27, 2008). The 2008 ozone NAAQS retains the same general form and averaging time as the 0.08 ppm NAAQS set in 1997, but is set at a more protective level. Specifically, the 2008 8-hour ozone NAAQS is attained when the 3-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. *See* 40 CFR 50.15.

Effective July 20, 2012, the EPA designated as nonattainment any area that was violating the 2008 8-hour ozone NAAQS based on the three most

recent years (2008–2010) of air monitoring data (77 FR 30088, May 21, 2012). With that rulemaking, the DMNFR area was designated nonattainment and classified as Marginal. Ozone nonattainment areas are classified based on the severity of their ozone levels. This is determined using the area's design value. The design value is the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration at a monitoring site. *See* 40 CFR part 50, Appendix I. The DMNFR nonattainment area includes Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas and Jefferson Counties, and portions of Larimer and Weld Counties. *See* 40 CFR 81.306. Areas that were designated as Marginal nonattainment were required to attain the 2008 8-hour ozone NAAQS no later than July 20, 2015, based on 2012–2014 monitoring data.

On May 4, 2016, the EPA published its determination that the DMNFR, among other areas, had failed to attain the 2008 8-hour ozone NAAQS by the attainment deadline, and that the DMNFR was accordingly reclassified to a Moderate ozone nonattainment area (81 FR 26697; *see* 40 CFR 81.306). Moderate areas are required to attain the 2008 8-hour ozone NAAQS by no later than 6 years after the effective date of designation, which for the DMNFR nonattainment area is July 20, 2018. *See* 40 CFR 51.903.

III. Analysis of the State's Submission

CAA Section 182, 42 U.S.C. 7511a, outlines SIP requirements applicable to ozone nonattainment areas in each classification category. Moderate area classification triggers additional state requirements established under the provisions of the EPA's ozone implementation rule for the 2008 8-hour ozone NAAQS. *See* 40 CFR part 51, subpart AA. Examples of these requirements include submission of a modeling and attainment demonstration, RFP, RACT, and RACM. Moderate nonattainment areas had a submission deadline of January 1, 2017 for these SIP revisions (81 FR 26697, 26699, May 4, 2016).

Colorado submitted revisions to its SIP to the EPA on May 31, 2017, to meet the requirements of a Moderate area classification for the DMNFR nonattainment area and attain the 2008 8-hour ozone NAAQS. Colorado's proposed SIP revisions consist of the parts listed below.

- 8-Hour Ozone Attainment Plan (OAP), which includes monitoring information, emission inventories, an RFP demonstration, an attainment demonstration using photochemical grid modeling, a weight of evidence analysis, a RACT analysis, a RACM analysis, a motor vehicle emissions I/M program, NNSR program certification, contingency measures, and 2017 MVEBs for transportation conformity.
- Revisions to Reg. No. 7.
- Revisions to Reg. No. 11.

The Reg. No. 7 revisions in the 2017 submission include rule revisions related to the Moderate ozone nonattainment classification and revisions that address the EPA's concerns with previous SIP submittals. In this action, we are also acting on Reg. No. 7 revisions from a May 5, 2013 SIP submission. Reg. No. 11 revisions remove ''state-only'' references in Part A, regarding Larimer and Weld counties, thereby making the entire motor vehicle inspection and maintenance program federally enforceable.

The provisions we propose to approve meet the requirements of the CAA and our regulations. The specific bases for our proposed actions and our analyses and findings are discussed in this proposed rulemaking. Technical information that we rely on in this proposal is contained in the docket, available at *http://www.regulations.gov,* Docket No. EPA–R08–OAR–2017–0567.

A. Procedural Requirements

The CAA requires that states meet certain procedural requirements before submitting SIP revisions to the EPA. Specifically, section 110(a)(2) of the CAA, 42 U.S.C. 7410(a)(2), requires that states adopt SIP revisions after reasonable notice and public hearing. For the May 5, 2013 submittal, the Colorado Air Quality Control Commission (AQCC) provided notice in the Colorado Register on September 21, 2012, and held a public hearing on December 20, 2012. The Colorado AQCC adopted the SIP revisions on December 20, 2012. The SIP revisions became state-effective on February 15, 2013. For the May 31, 2017 submission, the Colorado AQCC provided notice in the Colorado Register on July 29 and August 29, 2016 and held a public hearing on the SIP revisions on November 17, 2016. The Colorado AQCC adopted the SIP revisions on November 17, 2016. The SIP revisions became state-effective on January 14, 2017. Colorado met the CAA's procedural requirements for reasonable notice and public hearing.

IV. EPA's Evaluation of Colorado's Submission

A. Monitoring

Ozone monitoring data are used as a basis for photochemical grid modeling in the attainment demonstration. The EPA requirements for ambient monitoring are in 40 CFR part 58. Colorado collected ozone monitoring data in accordance with these requirements and with the EPA's ''Quality Assurance Handbook for Air Pollution Measurement Systems, Vol. II—Ambient Air Quality Monitoring Program''; [1] the Colorado Air Pollution Control Division's (APCD) Quality Management Plan [2] and Quality Assurance Project Plan; [3] and Colorado's monitoring network plan.[4]

The monitoring section of Colorado's OAP includes:

- Information on the location of ozone monitors in Colorado, from southern Metropolitan Denver to northern Fort Collins (including Rocky Mountain National Park);
- 4th-maximum monitored 8-hour ozone values from 2006 through 2015, including levels recorded above the 75 parts per billion (ppb) 2008 ozone NAAQS; [5]
- A description of the State's ambient air quality data assurance program; and
- Relevant 8-hour-average ozone monitoring data and recovery rates from 2006 through September 2015.

B. Emissions Inventories

1. Background

CAA section 172(c)(3), 42 U.S.C. 7502(c)(3), requires that each SIP include a ''comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant or pollutants in [the] area.'' The accounting required by this section provides a ''base year'' inventory that serves as the starting point for attainment demonstration air quality modeling, for assessing RFP, and for determining the need for additional SIP control measures. An attainment year inventory is a projection of future emissions and is necessary to show the effectiveness of SIP control measures. Both the base year and attainment year inventories are necessary for

[1] QA Handbook for Air Pollution Measurement Systems: ''Volume II: Ambient Air Quality Monitoring Program'' (EPA–454/B–13–003, *May 2013)* (available in the docket). The current version of the Handbook is available at *https://www3.epa.gov/ttn/amtic/files/ambient/pm25/qa/FinalHandbookDocument1_17.pdf* (EPA–454/B–17–001, Jan. 2017).

[2] Colorado Department of Public Health and Environment, Quality Management Plan (March 2016), available in the docket.

[3] Colorado Department of Public Health and Environment, Quality Assurance Project Plan (July 2015), available in the docket.

[4] Annual Network Plans available at *https://www.colorado.gov/airquality/tech_doc_repository.aspx.*

[5] OAP Table 3.

photochemical modeling to demonstrate attainment. Section D includes additional discussion on how these inventories are used in the attainment modeling.

Colorado's DMNFR area attainment plan includes a 2011 base year inventory and a 2017 attainment year inventory. The inventories catalog NO_X and VOC emissions, because these pollutants are precursors to ozone formation, across all source categories during a typical summer day, when ozone formation is pronounced. Carbon monoxide (CO) emissions are reported as well, because they also impact ozone chemistry.

In our 2008 ozone NAAQS implementation rule, the EPA recommends using 2011 as the baseline year (80 FR 12264, 12272). In addition, analysis of meteorological conditions in the DMNFR area leads to the conclusion that the summer of 2011 was a ''typical'' ozone season from a meteorological standpoint. The modeling analysis uses a base year of 2011 to develop the modeling inputs for the base year modeling analysis and model performance evaluation.

2. Evaluation

The 2011 base year emissions inventory and the 2017 attainment year emissions inventory were developed using EPA-approved guidelines for stationary, mobile, and area emission sources. Stationary source emissions data for 2011 were self-reported to the State by individual sources; the State then used the submitted 2011 information to project stationary source emissions for 2017. On-road and non-road mobile source emissions were calculated using the EPA's MOVES2014 model combined with local activity inputs including vehicle miles traveled (VMT) and average speed data, as well as local fleet, age distribution, meteorology, and fuels information. Area sources include many categories of emissions. The EPA finds that these sources (including those in the oil and gas sector) were adequately accounted for in the emissions inventory. The methodology used to calculate emissions for each respective category followed relevant EPA guidance;[6] [7] as applicable, employed approved emission factors and National Emissions Inventory (NEI) data; and was sufficiently documented in the SIP and in the State's technical support documents (TSD).[8]

Projected future emissions in 2017 were based on anticipated growth, technological advancements, and expected emissions controls that were to be implemented by the 2017 ozone season. Table 1 shows the emissions by source category from the 2011 base year and 2017 attainment year emission inventories.

TABLE 1—EMISSIONS INVENTORY DATA FOR SPECIFIC SOURCE

[Tons/avg. episode day][9]

Description	2011			2017		
	VOC	NO_X	CO	VOC	NO_X	CO
Oil and Gas Sources:						
Point Sources Subtotal	14.8	18.1	17.0	16.3	20.6	19.7
Condensate Tanks Subtotal	216	1.1	2.3	78.7	0.6	2.3
Area Sources Subtotal	48.9	22.2	12.9	59.0	44.6	31.4
Total	279.7	41.4	32.2	154	65.8	53.4
Point Sources (EGU and Non-Oil and Gas):						
Electric Generating Units (EGUs)	0.7	39.7	3.6	0.4	19.2	2.9
Point (Non-Oil and Gas)	25.9	21.0	14.1	28.0	20.9	14.4
Total	26.6	60.7	17.7	28.4	40.1	17.3
Area Sources (Non-Oil and Gas):						
Total	60.6	0.0	1.4	67.5	.....	1.6
Non-Road Mobile Sources:						
Total	58.2	75.9	800.2	44.3	54.9	759.7
On-Road Mobile Sources:						
Light-Duty Vehicles	90.0	102.5	812.2	52.4	50.3	538.6
Medium/Heavy-Duty Vehicles	3.7	39.6	20.6	2.6	23.0	16.2
Total	93.7	142.1	832.8	55.0	73.3	554.8
Total Anthropogenic Emissions	518.8	320.1	1,684.3	349.2	234.1	1,386.8
Total Biogenic Sources	170.5	6.1	21.6	170.5	6.1	21.6

[6] Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations, EPA–454/B–17–003, available at *https://www.epa.gov/sites/production/files/2017-07/documents/ei_guidance_may_2017_final_rev.pdf* (hereinafter referred to as ''Emissions Inventory Guidance'') (July 2017).

[7] MOVES2014 and MOVES2014a Technical Guidance: Using MOVES to Prepare Emission Inventories for State Implementation Plans and Transportation Conformity, EPA–420–B–15–093, available at *https://nepis.epa.gov/Exe/ZyPDF.cgi/P100NN9L.PDF?Dockey=P100NN9L.PDF* (hereinafter referred to as ''MOVES Guidance'') (Nov. 2015).

[8] *See* Colorado OAP, TSD Part 1, 2011–2017 Mobile and Area Sources Emissions Inventory Development, p. 1202.

[9] Emissions in Table 1 are reflective of an average summer day.

TABLE 1—EMISSIONS INVENTORY DATA FOR SPECIFIC SOURCE—Continued

[Tons/avg. episode day][9]

Description	2011			2017		
	VOC	NO_X	CO	VOC	NO_X	CO
Total Nonattainment Area Emissions	689.3	326.2	1,705.9	519.7	240.2	1,408.4

Details of Colorado's emissions inventory development are in Colorado's supporting TSD.[10] The inventories in the SIP are based on the most current and accurate information available to the State and the Regional Air Quality Council (RAQC) at the time the SIP was being developed. Additionally, the inventories comprehensively address all source categories in the DMNFR nonattainment area, and were developed consistent with the relevant EPA inventory guidance. For these reasons, we propose to approve the 2011 baseline emissions inventory as meeting the requirements of CAA section 172(c)(3), 42 U.S.C. 7502(c)(3). The EPA also finds that the 2017 inventory, which will be used to meet RFP and attainment demonstration requirements, was developed consistent with relevant EPA Emissions Inventory Guidance and MOVES Guidance. Further discussion on RFP and attainment demonstration is provided in their respective sections.

C. Reasonable Further Progress Demonstration

1. Background

Section 182(b)(1) of the CAA, 42 U.S.C. 7511a(b)(1), and the EPA's 2008 Ozone Implementation Rule require each 8-hour ozone nonattainment area designated Moderate and above to submit an RFP demonstration for review and approval into its SIP that describes how the area will achieve actual VOC and NO_X emissions reductions from a baseline emissions inventory. Section 182(b)(1), 42 U.S.C. 7511a(b)(1), which is part of the ozone-specific requirements of Subpart 2 of the CAA's nonattainment plan requirements, requires RFP to demonstrate a 15% reduction in VOC emissions. This requirement applies before the more general Subpart 1 RFP requirements of CAA Section 172(c)(2), 42 U.S.C. 7502(c)(2), which permits a combination of VOC and NO_X emission reductions to show RFP. Colorado has not previously submitted a 15% RFP SIP under Section 182(b)(1). Therefore, on May 31, 2017, the State submitted an RFP demonstration showing VOC emission reductions greater than 15% within six years after the 2011 base year inventory (between 2012–2017).

RFP plans must also include an MVEB, which provides the allowable on-road mobile emissions an area can produce while still demonstrating RFP. The State's RFP submittal included MVEBs for the DMNFR area for the year 2017 (see Chapter 11 of the State's OAP). The MVEBs are discussed in detail in Section *M* of this notice.

2. Evaluation

To demonstrate compliance with RFP requirements, the State compared its 2011 base year VOC emissions inventory against its projected 2017 VOC emissions inventory and demonstrated that the projected milestone year inventory (2017) emissions of VOC will be at least 15% below the 2011 base year inventory. Colorado projects a 32.7% reduction in VOC emissions from 2011–2017 (*see* OAP, Table 25 on page 4–21). As discussed above in section IV.B., the EPA reviewed the procedures Colorado used to develop its projected inventories and found them to be reasonable.

D. Photochemical Grid Modeling

1. Background

Under the 2008 Ozone Implementation Rule, Moderate ozone nonattainment areas are required to demonstrate attainment using ''photochemical modeling or another equivalent analytical method that is determined to be at least as effective. . . .'' 80 FR at 12268. The EPA explained that ''photochemical modeling is the most scientifically rigorous technique to determine NO_X and/or VOC emissions reductions needed to show attainment of the NAAQS.'' *Id.* at 12269. Consistent with the 2015 Ozone Implementation Rule, the SIP includes photochemical grid modeling with supplemental analyses to demonstrate that the emissions control strategy leads to attainment of the NAAQS by 2017. The modeling effort was led by the RAQC in coordination with the Colorado Department of Public Health and Environment (CDPHE). The RAQC first developed a modeling protocol[11] that describes the model configuration, domain, input data, and analyses to be performed for the SIP. As described in the protocol, the RAQC selected summer 2011 for the attainment demonstration base case model simulation using the 2011 base year emissions inventory. The modeling platform used the Weather Research and Forecasting Model (WRF)[12] to simulate meteorological data fields, and the Comprehensive Air Quality Model with Extensions (CAMx) as the photochemical air quality model. The modeling platform used a high resolution 4-km grid for the State of Colorado, nested within a western U.S. 12-km grid and a 36-km North America CAMx simulation developed by the Western Air Quality Study.[13] Day-specific boundary conditions for the 36-km CAMx simulation were derived from a 2011 simulation of the MOZART model.[14] The Sparse Matrix Operating Kernel Emissions (SMOKE) model[15] was used to process emissions data, and the Model of Emissions of Gases and Aerosols from Nature (MEGAN)[16] was

[10] *See* Colorado OAP, TSD Part 1, 2011–2017 Mobile and Area Sources Emissions Inventory Development, p. 1202.

[10] Emissions in Table 1 are reflective of an average summer day.

[11] ENVIRON International Corporation, User's Guide Comprehensive Air-quality Model with Extensions Version 6.2, available at *http://www.camx.com/files/camxusersguide_v6-20.pdf* (March 2015).

[12] Weather Research and Forecasting model web page available at *https://www.mmm.ucar.edu/weather-research-and-forecasting-model.*

[13] Adelman, Z., Shanker, U., Yang, and Morris, R., CAMx Photochemical Grid Model Draft Model Performance Evaluation Simulation Year 2011, available at *http://vibe.cira.colostate.edu/wiki/Attachments/Modeling/3SAQS_Base11a_MPE_Final_18Jun2015.pdf* (June 2015); Ramboll Environ, Attainment Demonstration Modeling for the Denver Metro/North Front Range 2017 8-Hour Ozone State Implementation Plan, Draft Modeling Protocol, Prepared for Regional Air Quality Council, available at *https://raqc.egnyte.com/dl/gFls58KHSM/Model_Protocol_Denver_RAQC_2017SIPv4.pdf* (Aug. 2015).

[14] Emmons, L. K., et al., Description and Evaluation of the Model for Ozone and Related Chemical Tracers, version 4 (MOZART–4), Geosci. Model Dev., 3, 4367, 2010, 3, pp. 43–67 (Jan. 2010).

[15] UNC, SMOKE v3.6.5 User's Manual, University of North Carolina at Chapel Hill, Institute for the Environment, available at *https://www.cmascenter.org/smoke/documentation/3.6.5/html/* (2015).

[16] Sakulyanontvittaya, T., G. Yarwood and A. Guenther. 2012. Improved Biogenic Emission Inventories across the West, ENVIRON International Corporation, available at *https://www.wrapair2.org/*

used to estimate biogenic emissions of VOC and NO_X. The anthropogenic precursor emissions data were based on the 2011 NEI [17] with updates in key source categories, including oil and gas emissions,[18] mobile and area source emissions,[19] and point source emissions.[20] The EPA reviewed each of the modeling documents listed above and determined that the modeling is consistent with the recommendations in the relevant EPA guidance.[21]

2. Evaluation

EPA guidance recommends that model performance be evaluated by comparing model-simulated concentrations to observed concentrations. Model performance evaluation is used to evaluate the model for historical ozone episodes in the base year and to assess the model's reliability in projecting future year ozone concentrations. Using meteorological and emissions data from a historical base period, ozone and other species concentrations predicted by the model are compared to monitored concentrations to evaluate model performance. EPA modeling guidance emphasizes the use of graphical and diagnostic evaluation techniques to ensure that the modeling captures the correct chemical regimes and emission sources causing high ozone. Consistent with the guidance, Colorado's model performance evaluation included a comprehensive suite of graphical and diagnostic evaluation techniques, such as time-series plots of modeled and observed ozone at key monitoring sites, spatial plots of ozone, tabulations of model bias and error metrics, and diagnostic model simulations using sensitivity and source apportionment techniques. The WRF and CAMx configuration and MPE are described in Ramboll Environ's 2011 base case modeling and model performance evaluation report,[22] which used both quantitative (model performance statistics) and qualitative (graphical displays) MPE approaches. At the four key monitoring sites in the Denver nonattainment area, the model achieved typical performance goals for model bias and error. However, as to the Chatfield monitor, which had the highest ozone design value, the model was biased low for some days in May and June and biased high for some days in July and August. While the model achieved the performance goal, it failed to accurately simulate some of the days with the highest monitored ozone.[23]

Because of concerns with model underestimates of ozone on some of the highest days at the Chatfield monitor and other monitoring sites, Colorado performed additional weight of evidence (WOE) analysis to assess model performance and the effect of model performance on the model attainment demonstration, as discussed in Sections E and F below.

E. Modeled Attainment Demonstration

In the modeled attainment demonstration, emissions inventories are developed for the attainment year (here, 2017) that reflect emissions control measures adopted in the SIP as well as other emissions reductions expected to be achieved through federally enforceable national programs, such as reduced tailpipe emissions for mobile sources. The Colorado 2017 emissions inventory is described in the RAQC's model attainment demonstration report.[24] The photochemical model is then used to simulate air quality using the projected 2017 emissions. Because of the concerns with bias and error in the model performance discussed in the previous section, absolute model results are not used to evaluate attainment. Instead, the model is used in a relative sense by calculating the ratio of the model's future (here, 2017) to base case (here, 2011) predictions at ozone monitors in the nonattainment area. We call these ratios ''Relative Response Factors'' (RRFs). Future ozone concentrations are then estimated at existing monitoring sites by multiplying the modeled RRF at locations near each monitor by the observation-based, monitor-specific, baseline design value. The resulting predicted future concentrations are then compared with the 2008 8-hour average ozone NAAQS of 75 ppb. If the predicted future concentrations of ozone are lower than 76 ppb at all monitors, attainment is demonstrated.[25] The EPA's ''Model Attainment Test Software'' (MATS, Abt., 2014 [26]) is used to calculate RRFs and to perform the attainment demonstration.

Table 2 summarizes Colorado's 2011 base case design values, the RRFs from the 2017 control measure case modeling, and the projected 2017 future design values. Table 2 shows results for two different approaches for calculating the model RRF. EPA guidance recommends that the RRFs be calculated using the maximum modeled ozone in a 3x3 matrix of grid cells surrounding each monitor. The 3x3 matrix is used because of the possibility that errors in model inputs or physics can result in under predictions in the grid cell with the monitor, and because of the possibility that emissions point sources could be located close to the edges of grid cells, as discussed in more detail in the modeling guidance (EPA, 2014, pp. 102–103).

Using the 3x3 RRFs, the maximum projected 8-hour ozone design values for the 2017 control measure case are 76 ppb at the Chatfield and the Rocky Flats North monitoring sites. Thus, the primary model attainment demonstration did not project NAAQS-attaining future design values (that is, less than 76 ppb) at all monitor sites. When the primary model attainment demonstration is close to but fails to attain the NAAQS, EPA guidance recommends that states consider whether it is appropriate to perform an attainment demonstration using a WOE demonstration. Colorado performed a

pdf/WGA_BiogEmisInv_FinalReport_March20_2012.pdf (March 2012).

[17] 2011 NEI web page available at *https://www.epa.gov/air-emissions-inventories/2011-national-emissions-inventory-nei-data.*

[18] *See* Colorado OAP, TSD Part 1, 2011 and 2017 Oil and Gas Emissions Inventory Development, p. 1429.

[19] *See* Colorado OAP, TSD Part 1, 2011 and 2017 Mobile and Area Sources Emissions Inventory Development, p. 1202.

[20] *See* Colorado OAP, TSD Part 1, 2011 and 2017 Point Source Emissions Inventory Development, p. 1443.

[21] Draft Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone, $PM_{2.5}$ and Regional Haze, EPA, available at *https://www3.epa.gov/scram001/guidance/guide/Draft_O3-PM-RH_Modeling_Guidance-2014.pdf* (Dec. 2014).

[22] Ramboll Environ, Denver Metro/North Front Range 2017 8-Hour Ozone State Implementation Plan: 2011 Base Case Modeling and Model Performance Evaluation, available at *https://raqc.egnyte.com/dl/pxHfZAhquy/TSD_2011_BaseCaseModeling%26MPE.pdf* (Sept. 2017).

[23] As discussed in EPA guidance, it is normal for an air quality model to have some under-prediction or over-prediction bias and error in modeled ozone because of uncertainties and errors in model input data. The relative response factor (RRF) approach that is recommended in the guidance and that is used in the State's SIP attainment demonstration is designed to correct for bias in the model predictions for ozone.

[24] *See* Colorado OAP, TSD Part 2, Denver Metro/North Front Range 2017 8-Hour Ozone State Implementation Plan: 2017 Attainment Demonstration Modeling, p. 1564.

[25] In determining compliance with the NAAQS, ozone design values are truncated to integers. For example, a design value of 75.9 ppb is truncated to 75 ppb. Accordingly, design values at or above 76.0 ppb are considered nonattainment. *See* p. 100, footnote 34 of Draft Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone, $PM_{2.5}$ and Regional Haze, EPA, available at *https://www3.epa.gov/scram001/guidance/guide/Draft_O3-PM-RH_Modeling_Guidance-2014.pdf* (Dec. 2014), and p. 41 of Guidance on the Use of Models and Other Analyses for Demonstrating Attainment of Air Quality Goals for Ozone, $PM_{2.5}$, and Regional Haze, EPA–454/B–07–002, available at *https://www3.epa.gov/ttn/scram/guidance/guide/final-03-pm-rh-guidance.pdf* (April 2007).

[26] Abt Associates Inc., Modeled Attainment Test Software—User's Manual. available at *http://www.epa.gov/ttn/scram/guidance/guide/MATS_2-6-1_manual.pdf* (April 2014).

WOE attainment demonstration as described in Section F below.

TABLE 2—CURRENT YEAR OBSERVED 8-HOUR OZONE DESIGN VALUES (DVB), RELATIVE RESPONSE FACTORS (RRF) AND PROJECTED 8-HOUR OZONE 2017 FUTURE CASE DESIGN VALUES (DVFS), FROM TABLE 3–1 IN RAMBOLL ENVIRON 2016b

Monitor	County	Base year (2011) DVB (ppb)	3x3 Grid array (4 km)			7x7 Grid array (4 km)		
			RRF	Future year (2017) DVF (ppb) **	Final 2017 DVB (ppb) **	RRF	Future year (2017) DVF (ppb) **	Final 2017 DVF (ppb) **
Chatfield	Douglas	80.7	0.9453	76.2	76	0.9391	75.7	75
Rocky Flats North	Jefferson	80.3	0.9493	76.2	76	0.9441	75.8	75
NREL	Jefferson	78.7	0.9591	75.4	75	0.9442	74.3	74
Fort Collins West	Larimer	78.0	0.9179	71.5	71	0.9098	70.9	70
Highland	Arapahoe	76.7	0.9517	72.9	72	0.9431	72.3	72
Welby	Adams	76.0	0.9512	72.2	72	0.9712	73.8	73
Welch	Jefferson	75.7	0.9538	72.2	72	0.9428	71.3	71
Rocky Mountain NP	Larimer	75.7	0.9464	71.6	71	0.9385	71.0	71
South Boulder Creek	Boulder	74.7	0.9477	70.7	70	0.9445	70.5	70
Greeley/Weld Co. Tower	Weld	74.7	0.9422	70.3	70	0.9226	68.9	68
Aspen Park	Jefferson	74.5	0.9389	69.9	69	0.9370	69.8	69
Arvada	Jefferson	74.0	0.9723	71.9	71	0.9495	70.2	70
Aurora East	Arapahoe	73.5	0.9373	68.8	68	0.9367	68.8	68
Carriage	Denver	71.0	0.9695	68.8	68	0.9595	68.1	68
Rist Canyon	Larimer	71.0	0.9248	65.6	65	0.9161	65.0	65
Fort Collins CSU	Larimer	68.7	0.9217	63.3	63	0.9096	62.4	62
DMAS NCore	Denver	65.0	0.9697	63.0	63	0.9522	61.8	61

F. Weight of Evidence Analysis

As noted above, the primary model attainment demonstration predicted future design values of 76 ppb at two monitors (Rocky Flats North and Chatfield), and thus these two monitors are not projected to attain the 75 ppb NAAQS by 2017. EPA guidance recommends a WOE analysis in cases for which future design values are close to the NAAQS, using the following criteria for a WOE attainment demonstration:

- A fully-evaluated, high-quality modeling analysis that projects future values that are close to the NAAQS;
- A description of each of the individual supplemental analyses, preferably from multiple categories. Analyses that use well-established analytical procedures and are grounded with sufficient data should be weighted higher; and
- A written description as to why the full set of evidence leads to a conclusive determination regarding the future attainment status of the area that differs from the results of the modeled attainment test alone.

The WOE analysis can include monitoring and emissions inventory trend analysis; review of the conceptual model for ozone formation in the nonattainment area; additional modeling metrics; alternative attainment test methods; and assessment of the efficacy of SIP-approved regulations, state-only regulations, and voluntary control measures. Considering this information and applying the criteria described in the guidance, the WOE analysis is then used to assess whether the planned emissions reductions will result in attainment of the NAAQS at the monitors that modeled ozone future design values of 76 ppb or higher.

As part of its WOE analysis, Colorado evaluated the model attainment demonstration using a 7x7 matrix of grid cells around each monitor site, because the model performed better in simulating the 2011 period when monitored concentrations were compared to model results in the 7x7 matrix.[27] This performance difference may be a result of challenges in accurately simulating meteorological data in Colorado's complex terrain combined with the use of a high resolution 4-km grid in the Colorado modeling platform. It is possible that small errors in wind speed or wind direction could result in model-simulated plumes being offset by more than 4 km from a monitoring site. When using a 7x7 matrix of grid cells, the monitored concentration is compared to modeled concentrations up to 12 km from the monitor site to assess whether the model more accurately simulated the observed ozone in grid cells close to the monitor site. Table 2 shows that when the model attainment test is performed using the 7x7 matrix, all monitor sites are projected to attain the 75 ppb NAAQS.

Colorado also evaluated high ozone days from 2009 to 2013 that were likely influenced by atypical activities such as wildfire or stratospheric intrusion, but were included in the calculation of the 2011 baseline ozone design value (*see* Table 3; CDPHE, 2016d [28]). While Colorado did not submit formal demonstrations under the Exceptional Events Rule (40 CFR 50.14) for these days because they do not affect the attainment status, which is evaluated based on 2015–2017 monitoring data, these days do affect the baseline design value and thus affect the model projected future design value for 2017. Table 4 shows the revised 2011 baseline design value when the data likely influenced by atypical activities are excluded, and Table 4 also shows the results of the model attainment demonstration using both the 3x3 and 7x7 matrices for calculating the model RRF. All future design values are below

[27] *See* Colorado OAP, TSD Part 2, Denver Metro/North Front Range 2008 Ozone Standard Moderate Area State Implementation Plan: Air Quality Technical Support Document (AQTSD), p. 1608.

[28] *See* Colorado OAP, TSD Part 2, Analyses in Support of Exceptional Event Flagging and Exclusion for the Weight of Evidence Analysis, p. 1662.

the 75 ppb NAAQS using both approaches when data possibly influenced by atypical activities are excluded in the calculation of the 2011 design values.

The EPA concurs with Colorado's assessment that the model was properly configured, met EPA performance requirements, and was appropriately used in its application. The EPA finds that the WOE analysis supports a determination that the area will attain the 75 ppb ozone NAAQS by 2017.

TABLE 3—OZONE MONITORING DATA FLAGGED AS EXCEPTIONAL EVENTS AND EXCLUDED FROM THE 2011 BASELINE DESIGN VALUE IN THE WEIGHT OF EVIDENCE ANALYSIS

[Table 1 from CDPHE, 2016d][29]

Date	8-hour ozone concentrations (ppb)				Exceptional event type		
	Chatfield	Rocky Flats North	NREL	Fort Collins West	Stratospheric ozone intrusion	Wildfire smoke influence	
						Regional	Local
April 13, 2010	79	.....	.....	.....	x	.....	.....
April 14, 2010	.....	.....	.....	75	x	.....	.....
June 7, 2011	84	.....	.....	.....	x	.....	.....
May 15, 2012	.....	.....	.....	76	.....	.....	x
June 17, 2012	.....	.....	.....	77	.....	.....	x
June 22, 2012	.....	101	83	93	.....	.....	x
July 4, 2012	96	92	95	76	.....	x	.....
July 5, 2012	.....	88	81	.....	.....	x	.....
August 9, 2012	98	84	88	86	.....	x	.....
August 21, 2012	80	80	80	.....	.....	x	.....
August 25, 2012	.....	80	.....	.....	.....	x	.....
August 31, 2012	.....	.....	.....	80	.....	x	.....
August 17, 2013	.....	86	84	87	.....	x	.....

TABLE 4—BASE YEAR (DVB) AND 2017 FUTURE YEAR (DVF) OZONE DESIGN VALUES (ppb) AT KEY OZONE MONITORS WITH FLAGGED EXCEPTIONAL EVENT DAYS REMOVED FROM THE 2009–2013 DVB

Monitor	County	Base year (2011) DVB (ppb)	Exceptional events omitted 3x3 grid array (4 km)			Exceptional events omitted 7x7 grid array (4 km)		
			RRF	2017 DVF (ppb)	Final 2017 DVF (ppb)	RRF	2017 DVF (ppb)	Final 2017 DVF (ppb)
Chatfield	Douglas	78.7	0.9453	74.4	74	0.9391	73.9	73
Rocky Flats North	Jefferson	78.7	0.9493	74.7	74	0.9441	74.3	74
NREL	Jefferson	77.7	0.9591	74.5	74	0.9442	73.4	73
Fort Collins West	Larimer	76.3	0.9179	70.0	70	0.9098	69.4	69

G. Unmonitored Area Analysis

The EPA guidance recommends that an ''unmonitored area analysis'' (UAA) be performed to examine ozone concentrations in unmonitored areas. The UAA is intended to be a means for identifying high ozone concentrations outside of traditionally monitored locations, particularly in nonattainment areas where modeling or other data analyses have indicated potential high concentration areas of ozone outside of the existing monitoring network. This review can help ensure that a control strategy leads to reductions in ozone at other locations that could have base case (and future) design values exceeding the NAAQS were a monitor deployed there. The UAA uses a combination of model output and ambient data to identify areas that might exceed the NAAQS but that are not currently monitored. Colorado used the MATS to perform the UAA and found estimated 2011 ozone DVBs in excess of 76 ppb to the south, west, and northwest of Denver, stretching to Fort Collins and then west of Fort Collins. Colorado also found that the projected DVFs for 2017 showed all areas have values below 76 ppb. The maximum 2017 estimated design value was 75.9 ppb near the Jefferson/Boulder County border.

H. Reasonably Available Control Technology (RACT) Analysis

1. Background

Section 172(c)(1) of the CAA, 42 U.S.C. 7502(c)(1), requires that SIPs for nonattainment areas ''provide for the implementation of all reasonably available control measures as expeditiously as practicable (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology).'' The EPA has defined RACT as the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility (44 FR 53761, Sep. 17, 1979).

The EPA provides guidance concerning what types of controls could constitute RACT for a given source category by issuing Control Techniques Guidelines (CTG) and Alternative

[29] CDPHE did not identify any exceptional events in 2009 in their weight of evidence analysis.

Control Techniques (ACT) documents.[30] States must submit a SIP revision requiring the implementation of RACT for each source category in the area for which the EPA has issued a CTG, and for any major source in the area not covered by a CTG.[31]

For a Moderate, Serious, or Severe area a major stationary source is one that emits, or has the potential to emit, 100, 50, or 25 tons per year (tpy) or more, respectively, of VOCs or NO_X (*see* CAA sections 182(b), 42 U.S.C. 7511a(b); 182(c), 42 U.S.C. 7511a(c); 182(d), 42 U.S.C. 7511a(d); and 302(j), 42 U.S.C. 7602(j)). For the DMNFR Moderate nonattainment area, a major stationary source is one that emits, or has the potential to emit, 100 tpy or more of VOCs or NO_X. RACT can be adopted in the form of emission limitations or ''work practice standards or other operation and maintenance requirements,'' as appropriate.[32] The Division identified 51 major sources in the DMNFR area, operated by 32 companies. The EPA will be acting on Colorado's major stationary source RACT submission in a separate action. Colorado did not rely on any emission reductions from major stationary sources in their 2017 modeling analysis. The remainder of this section will address Colorado's RACT submission related to CTG sources.

2. Evaluation

1. CTG Source Category Sources Addressed in This Action

As part of its May 31, 2017 submittal, the Division conducted a RACT analysis to demonstrate that the RACT requirements for CTG sources in the DMNFR 2008 8-hour ozone nonattainment area have been fulfilled. The Division conducted its RACT analysis for VOC and NO_X by: (1) Identifying all categories of CTG and major non-CTG sources of VOC and NO_X emissions within the DMNFR nonattainment area; (2) Listing the state regulation that implements or exceeds RACT requirements for that CTG or non-CTG category; (3) Detailing the basis for concluding that these regulations fulfill RACT through comparison with established RACT requirements described in the CTG guidance documents and rules developed by other state and local agencies; and (4) Submitting negative declarations when there are no CTG or major non-CTG sources within the DMNFR area.

The EPA has reviewed Colorado's new and revised VOC rules for the source categories covered by the CTGs for the 2008 8-hour ozone NAAQS listed in Tables 5 and 6 and proposes to find that these rules are consistent with the control measures, definitions, recordkeeping, and test methods in these CTGs and applicable EPA RACT guidance.[33] Tables 5 and 6 contain a list of CTG source categories, EPA reference documents, and the corresponding sections of Reg. No. 7 that fulfill the applicable RACT requirements for EPA-issued CTGs.[34] Colorado's Reg. No. 7, Control of Ozone Via Ozone Precursors and Control of Hydrocarbons Via Oil and Gas Emissions, contains SIP-approved provisions (*see* 76 FR 47443, Aug. 4, 2011) that meet RACT requirements for the source categories listed in Table 5. Reg. No. 7 also contains general RACT provisions for the CTG source category listed in Table 6. To meet RACT requirements for the source category in Table 6, Colorado submitted several changes to Reg. No. 7 for adoption into its SIP (*see* Section N of this notice).

TABLE 5—SIP APPROVED SOURCE SPECIFIC RULES MEETING RACT

Source category in DMNFR area	CTG reference document[35]	Date of CTG	Chapter 7 sections fulfilling RACT
Bulk Gasoline Plants	Control of Volatile Organic Emissions from Bulk Gasoline Plants.	1977	Sections V, VI, and XV.
Equipment Leaks from Natural Gas/Gasoline Processing Plants.	Control of Volatile Organic Compound Equipment Leaks from Natural Gas/Gasoline Processing Plants.	1983	Sections V and XII.
Leaks from Gasoline Tank Trucks and Vapor Collection Systems.	Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems.	1978	Sections V, VI, and XV.
Leaks from Petroleum Refinery Equipment.	Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment.	1978	Sections V and VIII.
Manufacture of Synthesized Pharmaceutical Products.	Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products.	1978	Sections V, IX, and XIV.
Oil and Natural Gas Industry[36]	Control Techniques Guidelines for the Oil and Natural Gas Industry.	2016	Sections V, XII, XVII, and XVIII.
Paper, Film, and Foil Coatings	Control Techniques Guidelines for Film Coatings.	2007	Sections V and IX.

[30] *See https://www.epa.gov/ozone-pollution/control-techniques-guidelines-and-alternative-control-techniques-documents-reducing* (accessed Sep. 21, 2017) for a list of EPA-issued CTGs and ACTs.

[31] *See* CAA section 182(b)(2), 42 U.S.C. 7511a(b)(2)); *see also* Note, RACT Qs & As—Reasonably Available Control Technology (RACT): Questions and Answers, William Harnett, Director, Air Quality Policy Division, EPA (May 2006), available at *https://www3.epa.gov/ttn/naaqs/aqmguide/collection/cp2/20060518_harnett_ract_q&a.pdf.*

[32] *See* Memorandum, ''Approval Options for Generic RACT Rules Submitted to Meet the non-CTG VOC RACT Requirement and Certain NO_X RACT Requirements,'' Sally Shaver, Director, Air Quality Strategies & Standards Division, EPA (Nov. 7, 1996), available at *https://www.epa.gov/sites/production/files/2016-08/documents/shavermemogenericract_7nov1996.pdf.*

[33] *See https://www.epa.gov/ozone-pollution/ract-information.*

[34] *See* The EPA's TSD for a full analysis of Colorado's rules as they relate to EPA guidelines and available technical information. We will be acting on the following CTG source categories in a future action: Metal Furniture Coatings, 2007; Miscellaneous Metal Products Coatings, 2008; Wood Furniture Manufacturing Operations, 1996; Industrial Cleaning Solvents, 2006; and Aerospace, 1997.

[35] EPA Control Techniques Guidelines and Alternative Control Techniques Documents for Reducing Ozone-Causing Emissions, *https://www.epa.gov/ozone-pollution/control-techniques-guidelines-and-alternative-control-techniques-documents-reducing.*

[36] The EPA published a final CTG on October 27, 2016 to reduce VOC emissions from the oil and gas industry (*see* 81 FR 74798 and *https://www.epa.gov/sites/production/files/2016-10/documents/2016-ctg-oil-and-gas.pdf*). The CTG gives states two years from the date of issuance to submit SIP revisions to address requirements of the oil and gas CTG. Therefore, Colorado did not submit a RACT analysis with their May 31, 2017 submission for this source category.

TABLE 5—SIP APPROVED SOURCE SPECIFIC RULES MEETING RACT—Continued

Source category in DMNFR area	CTG reference document [35]	Date of CTG	Chapter 7 sections fulfilling RACT
Petroleum Liquid Storage in External Floating Roof Tanks.	Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks.	1978 (ACT 1994) ...	Sections V and VI.
Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds.	Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds.	1977	Sections V and VIII.
Solvent Metal Cleaning	Control of Volatile Organic Emissions from Solvent Metal Cleaning.	1977	Sections V and X.
Stage I Vapor Control Systems—Gasoline Service Stations.	Design Criteria for Stage I Vapor Control Systems—Gasoline Service Stations.	1975	Sections V and VI.
Storage of Petroleum Liquids in Fixed Roof Tanks.	Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks.	1977	Sections V and VI.
Surface Coating of Cans	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks.	1977	Sections V and IX.
Surface Coating of Coils	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks.	1977	Sections V and IX.
Surface Coating of Metal Furniture	Control of Volatile Organic Emissions from Solvent Metal Cleaning.	1977	Section V and IX.
Surface Coating of Miscellaneous Metal Parts and Products.	Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VI: Surface Coating of Miscellaneous Metal Parts and Products.	1978	Sections V and IX.
Tank Truck Gasoline Loading Terminals.	Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals.	1997	Section V, VI and XV.
Use of Cutback Asphalt	Control of Volatile Organic Emissions from Use of Cutback Asphalt.	1977	Sections V and XI.

TABLE 6—GENERAL RULES WITH PROPOSED SIP REVISIONS MEETING RACT FOR SOURCE CATEGORY

Source category in DMNFR area	CTG reference document	Date of CTG	Chapter 7 sections fulfilling RACT
Lithographic Printing Materials and Letterpress Printing Materials.	Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing.	2006	Sections V and XIII.

The Division also reviewed four ACT VOC source categories to determine if additional VOC reductions could be achieved (*see* section 6.2.4 of the OAP):

1. Organic Waste Process Vents (EPA 1990, ACT);
2. Bakery Ovens (EPA 1992, ACT);
3. Industrial Wastewater Alternative Control Technology (EPA 1994, ACT); and
4. Control of Volatile Organic Compound Emissions from Batch Processes (EPA 1994, ACT).

These four categories were evaluated because they are not addressed by a CTG, federal consumer product rule, or directly by a New Source Performance Standard (NSPS) or National Emission Standard for Hazardous Air Pollutant (NESHAP) and are not included in a State source-specific RACT provision. Colorado found in its analysis that there are more recent NSPS and NESHAPs that cover the source categories, and that the State has incorporated by reference in Reg. No. 6 and implements. Additionally, Reg. No. 7 establishes work practices and disposal practices similar to the ACTs. Accordingly, Colorado did not identify any additional requirements to include in their RACT analysis through their review of the ACTs.

We have reviewed the emission limitations and control requirements for the above source categories (Tables 5 and 6 in Reg. No. 7) and compared them against the EPA's CTG and ACT documents, available technical information, and guidelines. The emission limitations and control requirements in Reg. No. 7 for the above source categories are consistent with our guidance.

Based on available information, we find that the corresponding sections in Reg. No. 7 provide for the lowest emission limitation through application of control techniques that are reasonably available considering technological and economic feasibility. For more information, see the EPA TSD prepared in conjunction with this action. Therefore, we propose to find that the control requirements for the source categories identified in Tables 5 and 6 are RACT for all affected sources in the DMNFR area under the 2008 8-hour ozone NAAQS.

I. Negative Declarations

States are not required to adopt RACT limits for source categories for which no sources exist in a nonattainment area, and can submit a negative declaration to that effect. Colorado has reviewed its

emissions inventory and determined that there are no subject sources for source categories listed in Table 7 in the DMNFR area. We are also unaware of any such facilities operating in the DMNFR nonattainment area, and thus we propose to approve the negative declarations made for the source categories in Table 7 for the DMNFR area under the 2008 8-hour ozone NAAQS.

TABLE 7—NEGATIVE DECLARATIONS FOR CTG VOC SOURCE CATEGORIES

Source category negative declarations for DMNFR area
Auto and Light-Duty Truck Assembly Coatings (2008).
Factory Surface Coating of Flat Wood Paneling.
Fiberglass Boat Manufacturing Materials (2008).
Flat Wood Paneling Coatings (2006).
Flexible Packaging Printing Materials (2006).
Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment.
Graphic Arts—Rotogravure and Flexography.
Large Appliance Coatings (2007).
Large Petroleum Dry Cleaners.
Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins.
Manufacture of Pneumatic Rubber Tires.
Miscellaneous Industrial Adhesives (2008).
Oil and Natural Gas Industry (2016).
Plastic Parts Coatings (2008).
SOCMI Air Oxidation Processes.
SOCMI Distillation and Reactor Processes.
Shipbuilding/repair.
Surface Coating for Insulation of Magnet Wire.
Surface Coating of Automobiles and Light-Duty Trucks.
Surface Coating of Fabrics.
Surface Coating of Large Appliances.
Surface Coating of Paper.

I. Reasonably Available Control Measures (RACM) Analysis

1. Background

With the attainment demonstration, Colorado submitted a demonstration that the DMNFR area has adopted all RACM necessary to demonstrate attainment as expeditiously as practicable, as required by CAA section 172(c)(1), 42 U.S.C. 7502(c)(1), and 40 CFR 51.912(d). The EPA interprets the CAA RACM provision to require a demonstration that: (1) The state has adopted all reasonable measures (including RACT) to meet RFP requirements and to demonstrate attainment as expeditiously as possible; and (2) no additional measures that are reasonably available will advance the attainment date or contribute to RFP for the area. States should consider all available measures, including those being implemented in other areas, but must adopt measures for an area only if those measures are economically and technologically feasible and will advance the attainment date or are necessary for RFP.

The EPA provided guidance interpreting the RACM requirements of section 172(c)(1) in the General Preamble for Implementation of Title I of the CAA of 1990.[37] The EPA explained that states should consider all potentially available measures to determine whether they are reasonably available for implementation in the area, and whether they will advance the attainment date. *Id.* Potentially available measures that would not advance the attainment date for an area are not considered RACM; likewise, states can reject potential RACM if adopting them would cause substantial widespread and long-term adverse impacts. *Id.* Local conditions, such as economics or implementation concerns, may also be considered. To allow the EPA to determine whether the RACM requirement has been satisfied, states should provide in the SIP submittals a discussion of whether measures ''within the arena of potentially reasonable measures'' are in fact reasonably available.[38] If the measures are reasonably available, they must be adopted as RACM.

2. Evaluation

To demonstrate that the area meets the RACM requirement, Colorado identified potentially available control measures with input from stakeholders and analyzed whether the measure would be considered a RACM measure. In 2011, the RAQC issued a Report to the Governor that identified and evaluated potential control strategies. Later in 2011, the RAQC and CDPHE evaluated control measures for all source categories that could be implemented over the next five years and included them in a report to the RAQC Board in November 2011. Since 2011, Colorado has adopted oil and gas regulations, implemented Clean Air—Clean Jobs Act[39] controls through the Regional Haze SIP, and continued alternative fuels, transportation, and land use programs. In May 2015, the RAQC reconvened discussions with the CDPHE and other partners to review control strategies for the 2008 ozone SIP as well as future SIPs. Three subcommittees made up of RAQC Board members were assembled. Areas of analysis included stationary/areas sources, mobile sources/fuels, and transpiration/land use/pricing/outreach. Subcommittee meetings were open to the public, and stakeholders provided input on the topics discussed.

Colorado determined that all control measures necessary to demonstrate attainment are currently being implemented. Table 43 of Colorado's OAP lists control measures included in Colorado's SIP as they relate to the State's 2017 emissions inventory, photochemical modeling in the attainment demonstration, and weight of evidence analysis. As discussed in Chapter 7.3.2 of the OAP, the AQCC adopted modifications to Reg. No. 11 to incorporate the portions of Larimer and Weld Counties that are within the DMNFR nonattainment area into Colorado's I/M program. This change was submitted as a SIP revision and is being acted on in this action (*see* section *J* of this notice). Additionally, Chapter 7.3.5.1. describes SIP-strengthening revisions made to Colorado's oil and gas control program in Reg. No. 7 (*see* section *N* of this notice). These revisions include adoption of two ''state-only'' provisions into the Ozone SIP, pertaining to (1) auto-igniter requirements for combustion devices; and (2) audio, visual, and olfactory inspection of storage tanks and associated equipment.

As part of the RACM analysis, CDPHE examined emission reduction measures (*see* Table 44 of the OAP) being implemented in the DMNFR area that are not included in the SIP modeling and emissions inventory because they are voluntary or difficult to quantify. Non-federally-enforceable emission reduction measures were evaluated for stationary and mobile sources, lawn and garden, outreach and education, and the transportation system. Additionally, Colorado evaluated CAA 108(f), 42 U.S.C. 7408(f) transportation measures (*see* Table 48 of the OAP) to determine whether sources have applied RACM.

Emission measures that were evaluated but determined not to be RACM are discussed in Chapter 7.5 of the OAP. Colorado used the following criteria to determine whether measures were considered RACM:

- Necessary to demonstrate attainment;
- Technologically or economically feasible;
- Implemented successfully in other Moderate areas;

[37] General Preamble, 57 FR 13498, 13560 (April 16, 1992).

[38] ''Guidance on the Reasonably Available Control Measures (RACM) Requirement and Attainment Demonstration Submissions for Ozone Nonattainment Areas,'' John S. Seitz, Director, Office of Air Quality Planning and Standards, EPA (Nov. 30, 1999).

[39] Colo. Rev. Stat. § 40–3.2–201 *et seq.*

• Could be implemented by January 1, 2017; and

• Could qualify as SIP measures by being quantifiable, enforceable, permanent, and surplus.

Emission reduction measures evaluated for RACM were broken into area sources, on-road mobile sources, non-road mobile sources, fuels, transportation, alternative transportation, and land use categories. Tables 50 and 51 of the OAP summarizes the measures evaluated and Colorado's RACM determination for each measure. Colorado also reviewed the EPA's Menu of Control Measures for NAAQS Implementation [40] and voluntary and mandatory control measures in other ozone nonattainment areas. Table 53 of the OAP lists control measures identified, and indicates which measures were included in the State's RACM review. Although Colorado's analysis demonstrated that none of the additional measures identified met the criteria for RACM, the State plans to continue evaluating strategies in various areas including fuels, on- and off-road vehicles, and land use.

In its analysis, Colorado evaluated all source categories that could contribute meaningful emission reductions, and identified and evaluated an extensive list of potential control measures. To determine reasonableness and availability, the State considered the time needed to develop and adopt regulations, and the time it would take to see the benefit from these measures. The EPA has reviewed the RACM analysis and finds that there are no additional RACM that would advance the Moderate area attainment date of 2018 for the DMNFR nonattainment area. Therefore, the EPA proposes to approve Colorado's Moderate area RACM SIP for the DMNFR Moderate nonattainment area.

J. Motor Vehicle Inspection and Maintenance Program (I/M) Program

1. Background

As a Moderate ozone nonattainment area, Colorado is required to implement an I/M program. Colorado's Reg. No. 11 is entitled ''Motor Vehicle Emissions Inspection Program'' and addresses the implementation of the State's I/M program. Under Reg. No. 11 and state law (5 CCR 1001–13), all eligible automobiles registered in the Automobile Inspection and Readjustment (AIR) program area (the current nine-county AIR program area is depicted in Chapter 8, Figure 27, page 8–3 of the OAP) are subject to periodic emissions inspection. Currently there is an exemption from emissions inspection requirements for the first seven model years. Thereafter, an On-Board-Diagnostics (OBD) vehicle computer inspection is conducted during the first two inspection cycles (vehicles 8 through 11 model years old). Vehicles older than 11 model years are given a dynamometer-based IM240 test for 1982 and newer light-duty gasoline vehicles [41] and a two-speed idle test (TSI) [42] for 1981 and older light-duty gasoline vehicles. To improve motorist convenience and reduce program implementation costs, the State also administers a remote sensing-based ''Clean Screen'' program component of the I/M program. Remote sensing is a method for measuring vehicle emissions, while simultaneously photographing the license plate, when a vehicle passes through infrared or ultraviolet beams of light. Owners of vehicles meeting the Clean Screen criteria are notified by the respective County Clerk that their vehicle has passed the motor vehicle inspection process and are exempt from their next regularly scheduled IM240 test.[43]

2. Evaluation

The AIR program and Reg. No. 11 were expanded into portions of Larimer and Weld counties in the Colorado 2009 Legislative session, with the passage of Senate Bill 09–003. The startup date of the I/M program in these two counties was November 1, 2010. The purpose of this expansion of the AIR program and Reg. No. 11 into portions of Larimer and Weld counties was to further reduce vehicle emissions of NO_X and VOC ozone precursors in the 2008 8-hour ozone nonattainment area. The DMNFR was then only classified as a Marginal ozone nonattainment area, and an I/M program was not required in Larimer and Weld counties. Therefore, the State decided to make this portion of the I/M program, for these two counties, a ''State-only'' provision, and not to submit it as a SIP revision.

With the reclassification of the DMNFR nonattainment area to Moderate for the 2008 8-hour ozone NAAQS, and in light of the associated CAA requirements, the State chose to submit the I/M program in Larimer and Weld counties into the federal SIP. Adding these requirements into the federal SIP required several minor revisions, which were adopted by the Colorado AQCC on November 17, 2016, and submitted to the EPA on May 31, 2017. These revisions involved changes to ''PART A: General Provisions, Area of Applicability, Schedules for Obtaining Certification of Emissions Control, Definitions, Exemptions, and Clean Screening/Remote Sensing.'' Specifically, definition number 43 was modified to remove the notation that the ''North Front Range Area'' was a State-only program and not included in the SIP. In addition, Part A, section V, ''Expansion of The Enhanced Emissions Program to the North Front Range Area,'' was modified to remove the notation that the I/M program was only a State-only program for portions of Larimer and Weld counties and not part of the SIP. By making these changes to Part A of Reg. No. 11, and submitting them for approval by the EPA into the federal SIP, the State made the I/M program in portions of Larimer and Weld counties federally enforceable. Incorporating the formerly State-only portions of the I/M program into the SIP permitted Colorado to include the motor vehicle emissions reductions received from operation of the AIR program in these areas of Larimer and Weld counties in the DMNFR attainment demonstration.

Based on our review and as discussed above, we propose approval of the submitted Reg. No. 11 SIP revisions.

[40] The Menu of Control Measures gives state, local and tribal air agencies information on existing emissions reduction measures, as well as relevant information concerning the efficiency and cost effectiveness of the measures. Available at *https://www.epa.gov/air-quality-implementation-plans/menu-control-measures-naaqs-implementation.*

[41] *See* 40 CFR part 51, subpart S for a complete description of EPA's IM240 test. The IM240 test is essentially an enhanced motor vehicle emissions test to measure mass tailpipe emissions while the vehicle follows a computer generated driving cycle trace for 240 seconds and while the vehicle is on a dynamometer.

[42] *See* 40 CFR part 51, subpart S for a complete description of EPA's two-speed idle test. The two-speed idle test essentially measures the mass tailpipe emissions of a stationary vehicle; one reading is at a normal idle of approximately 700 to 800 engine revolutions per minute (RPM) and one reading at 2,500 RPM.

[43] The Clean Screen program component of Reg. No. 11 was originally approved for implementation in the Denver area with the EPA's approval of the original Denver carbon monoxide (CO) redesignation to attainment and the related maintenance plan. *See* 66 FR 64751 (Dec. 14, 2001). The Clean Screen criteria approved in 2001 required two valid passing remote sensing readings, on different days or from different sensors and within a twelve-month period. Colorado revised Reg. No. 11 to expand the definition and requirements for a ''clean-screened vehicle'' to also include vehicles identified as low-emitting vehicles in the state-determined Low Emitting Index (LEI) that have one passing remote sensing reading, before the vehicle's registration renewal date. These improvements and other associated revisions to the Clean Screen program were approved by the EPA on October 21, 2016. 81 FR 72720.

K. Nonattainment New Source Review (NNSR)

1. Background

As a Moderate ozone nonattainment area, Colorado is required to implement a nonattainment new source review (NNSR) program. Applicable NNSR requirements for ozone nonattainment areas are described in CAA section 182, 42 U.S.C. 7511a, and further defined in 40 CFR part 51, subpart I (Review of New Sources and Modifications). Under these requirements, new major sources and major modifications at existing sources must achieve the lowest achievable emission rate (LAER) and obtain emission offsets in an amount based on the specific ozone nonattainment classification. The emission offset ratio required for Moderate ozone nonattainment areas is 1.15 to 1. CAA section 182(b)(5), 42 U.S.C. 7511a(b)(5).

2. Evaluation

The Colorado SIP includes Regulation No. 3, Part D, Section V.A. (Concerning Major Stationary Source New Source Review and Prevention of Significant Deterioration, Requirements Applicable to Nonattainment Areas). This provision requires new major sources and major modifications at existing sources in the DMNFR area to comply with LAER and obtain emission offsets at the Moderate classification ratio of 1.15 to 1. The EPA approved these provisions on January 25, 2016 (81 FR 3963). In addition, in their OAP, Colorado recertified that the State's NNSR program is fully up to date with all requirements of the Marginal designation, including offset ratios of at least 1.1 to 1. Therefore, since the provisions in the Colorado SIP satisfy the CAA NNSR requirements for ozone nonattainment areas classified as Marginal and Moderate, we propose approval of this portion of the OAP.

L. Contingency Measures Plan

1. Background

Nonattainment plan provisions must provide for the implementation of contingency measures. CAA section 172(c)(9), 42 U.S.C. 7502(c)(9). These are specific measures to provide additional emission reductions if a nonattainment area fails to make RFP, or to attain the NAAQS, by the applicable date. Contingency measures must take effect without further action by the state or the EPA. While the CAA does not specify the type of measures or quantity of emissions reductions required, the EPA has interpreted the CAA for purposes of the Ozone NAAQS to mean that contingency measures should provide additional emissions reductions of 3% of the adjusted base year inventory for the nonattainment area (or the state may implement contingency measures that achieve a lesser percentage that will make up the identified shortfall in RFP or attainment). Contingency measures may include federal measures and local measures already scheduled for implementation, as long as their emission reductions are in excess of those needed for attainment or to meet RFP in the nonattainment plan. The EPA interprets the CAA not to preclude a state from implementing such measures before they are triggered by a failure to meet RFP or failure to attain. For more information on contingency measures, see the General Preamble (57 FR at 13510) and the 2008 Ozone Implementation Rule (80 FR 12264, 12285).

2. Evaluation

To meet the contingency measures requirement, the State identified specific measures that provide emissions reductions in excess of those needed for RFP and for attainment as contingency measures. *See* Chapter 10, Tables 54 and 55 of the OAP. The submitted contingency measures consist of NO_X reductions from two EGUs addressed in the Colorado Clean Air—Clean Jobs Act and previously adopted as part of the Colorado Regional Haze SIP. These two projects are: (1) The retirement of Valmont Unit 5, a 184 megawatt coal fired steam turbine located in Boulder County, and (2) switching the 352 MW coal fired steam turbine of Cherokee Unit 4 located in Adams County from coal to natural gas. The sources completed these projects by the end of 2017 and they will result in an additional 11 tons per day of NO_X reductions, equating to 3.4% of the 2011 base year NO_X emissions inventory. Per EPA guidance for purposes of the Ozone NAAQS, contingency measures should achieve reductions of 3% of the baseline emissions inventory for the nonattainment area. The State's contingency measures therefore are consistent with Agency guidance, because they in fact result in more than 3% reductions over the relevant baseline. The purpose of the contingency measures is to provide for further emission reductions to make up the shortfall needed for RFP or for attainment, during the period in which the State and the EPA determine whether the nonattainment plan for the area needs further revision to achieve the NAAQS expeditiously.[44]

The appropriateness of relying on already-implemented reductions to meet the contingency measures requirement has been addressed in two federal circuit court decisions. *See Louisiana Environmental Action Network (LEAN)* v. *EPA,* 382 F.3d 575, 586 (5th Cir. 2004), *Bahr* v. *United States EPA,* 836 F.3d 1218 (9th Cir. 2016), *cert. denied,* 199 L. Ed. 2d 525, 2018 U.S. LEXIS 58 (Jan. 8, 2018). The EPA believes that the language of section 172(c)(9) is ambiguous with respect to this issue, and that it is reasonable for the agency to interpret the statutory language to allow approval of already implemented measures as contingency measures, so long as they meet other parameters such as providing excess emissions reductions that the state has not relied upon to make RFP or for attainment in the nonattainment plan for the NAAQS at issue. Until the *Bahr* decision, under the EPA's longstanding interpretation of CAA section 172(c)(9), states could rely on control measures that were already implemented (so called ''early triggered'' contingency measures) as a valid means to meet the Act's contingency measures requirement. The Ninth Circuit decision in *Bahr* leaves a split among the federal circuit courts, with the Fifth Circuit upholding the Agency's interpretation of section 172(c)(9) to allow early triggered contingency measures and the Ninth Circuit rejecting that interpretation. The Tenth Circuit, in which Colorado is located, has not addressed the issue, nor has the Supreme Court or any other circuit court other than the Fifth and Ninth.

Because there is a split in the federal circuits on this issue, the EPA expects that states located in circuits other than the Ninth may elect to rely on the EPA's longstanding interpretation of section 172(c)(9) allowing early triggered measures to be approved as contingency measures, in appropriate circumstances. The EPA's recently revised Regional Consistency regulations pertaining to SIP provisions authorize the Agency to follow this interpretation of section 172(c)(9) in Circuits other than the Ninth. *See* 40 CFR part 56. To ensure that early triggered contingency measures appropriately satisfy all other relevant CAA requirements, the EPA will carefully review each such measure, and intends to consult with states considering such measures early in the nonattainment plan development process.

[44] *See* General Preamble, section III.A.3.c (57 FR 13498 at 13511).

As shown in Table 55 of Colorado's OAP, the NO_X reductions projected through 2018 are sufficient to meet the requirements for contingency measures, consistent with the EPA's interpretation of the CAA to allow approval of already implemented control measures as contingency measures in states outside the Ninth Circuit. Therefore, we propose approval of the contingency measure submitted by the state in the OAP.

M. Motor Vehicle Emissions Budget (MVEB)/Transportation Conformity

1. Background

Transportation conformity is required by section 176(c) of the CAA, 42 U.S.C. 7506. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS (CAA 176(c)(1)(B), 42 U.S.C. 7506(c)(1)(B)). The EPA's conformity rule at 40 CFR part 93, subpart A requires that transportation plans, programs, and projects conform to SIPs, and establishes the criteria and procedures for determining whether or not they conform. The conformity rule requires a demonstration that emissions from the Metropolitan Planning Organization's (MPO) Regional Transportation Plan (RTP) and the Transportation Improvement Program (TIP) are consistent with the MVEB in the control strategy SIP revision or maintenance plan. 40 CFR 93.101, 93.118, and 93.124. The MVEBs are defined as the portion allocated to mobile source emissions out of the total allowable emissions of a pollutant defined in the SIP for a certain date for the purpose of demonstrating attainment or maintenance of the NAAQS or for meeting reasonable further progress milestones.[45]

2. Evaluation

Colorado derived the MVEBs for NO_X and VOCs from its 2017 DMNFR attainment demonstration, and defined the MVEBs in Chapter 11, section 11.4 of the OAP.

TABLE 8—2017 NO_X AND VOC MVEBS FOR DMNFR

Area of applicability	2017 NO_X emissions (tons per day)	2017 VOC emissions (tons per day)
Northern Subarea	12	8
Southern Subarea	61	47
Total Nonattainment Area	73	55

These MVEBs are consistent with, and clearly related to, the emissions inventory and the control measures in the SIP; are consistent (when considered together with all other emissions sources) with attainment of the 2008 8-hour ozone NAAQS in 2017; and satisfy the minimum criteria at 40 CFR 93.118(e)(4). Therefore, we propose approval of the MVEBs as reflected in Table 8. This proposed approval applies to the Northern Subarea and Southern Subarea MVEBs as well as the Total Nonattainment Area MVEBs. The transportation conformity subareas are defined in Chapter 11, section 11.3 of the OAP and are listed below.

- The Northern Subarea is the area denoted by the ozone nonattainment area north of the Boulder County northern boundary and extended through southern Weld County to the Morgan County line. This area includes the North Front Range MPO's (NFRMPO) regional planning area as well as part of the Upper Front Range Transportation Planning Region (TPR) in Larimer and Weld counties.
- The Southern Subarea is the area denoted by the ozone nonattainment area south of the Boulder County northern boundary and extended through southern Weld County to the Morgan County line. This area includes the nonattainment portion of the Denver Regional Council of Governments (DRCOG) regional planning area and the southern Weld County portion of the Upper Front Range TPR.
- Both subareas are further described in the OAP in Figure 29, ''8-hour Ozone Nonattainment Area Subareas.''

In addition to proposing approval of the MVEBs, we also propose to approve the process described in Chapter 11, section 11.6 in the OAP for the use of the Total Nonattainment Area MVEBs or the subarea MVEBs for the respective MPOs to determine transportation conformity for their respective RTP. As described in section 11.6 of Colorado's OAP, the OAP identifies subarea MVEBs for DRCOG and the NFRMPO. These SIP-identified subarea MVEBs allow either MPO to make independent conformity determinations for the applicable subarea MVEBs whose frequency and timing needs for conformity determinations differ. As noted in section 11.6, DRCOG and the NFRMPO may switch from using the Total Nonattainment Area MVEBs to using the subarea MVEBs for determining conformity. To switch to use of the subarea MVEBs (or to subsequently switch back to use of the Total Nonattainment Area MVEBs) DRCOG and the NFRMPO must use the process described in the DMNFR OAP in section 11.6 (see pages 11–5 and 11–6). This process of demonstrating transportation conformity to the total or subarea area MVEBs, as described in section 11.6 of the OAP, was previously approved by the EPA for the Denver Ozone Plan for the 1997 8-hour ozone NAAQS (76 FR 47443, Aug. 5, 2011). Now, as to the 2008 8-hour standard, the EPA finds that this process remains consistent with the CAA and with applicable EPA regulations, and therefore proposes to approve it.

N. SIP Control Measures

1. Background

This section describes revisions to Colorado Reg. No. 7 submitted as a part of the SIP, including emission control requirements for oil and gas operations, graphic arts and printing processes, stationary and portable engines, and other combustion equipment. The revisions also establish RACT requirements for emission points at major sources of VOC and NO_X in the DMNFR area.

[45] 40 CFR 93.101; *see* 40 CFR 93.118 and 93.124 for criteria and other requirements related to MVEBs. Further discussion of MVEBs is in the preamble to the transportation conformity rule. 58 FR 62188, 62193–62196 (Nov. 24, 1993).

Reg. No. 7 contains various requirements intended to reduce emissions of ozone precursors. These are in the form of specific emission limits applicable to various industries and general RACT requirements.[46] The EPA approved the repeal and re-promulgation of Reg. No. 7 in 1981 (46 FR 16687, March 13, 1981) and has approved various revisions to parts of Reg. No. 7 over the years. In 2008, the EPA approved revisions to the control requirements for condensate storage tanks in Section XII (73 FR 8194, Feb. 13, 2008). The EPA later approved revisions to Reg. No. 7, Sections I through XI and Section XIII through XVI (76 FR 47443, Aug. 5, 2011). Most recently, the EPA approved Reg. No. 7 revisions to control emissions from rich burn reciprocating internal combustion engines in Section XVII.E.3.a (77 FR 76871, Dec. 31, 2012).

Colorado submitted proposed revisions to Reg. No. 7 on May 5, 2013, and submitted revised Reg. No. 7 revisions with the OAP on May 31, 2017. The 2017 revisions address EPA concerns about the May 5, 2013 submittal regarding monitoring, recordkeeping, and reporting requirements in Sections XII.H.5 and XII.H.6 and other concerns in Sections XII.C.1.c, XII.C.1.d, XII.C.2.a.(ii)(B), XII.E.3, and XII.H.4. The May 31, 2017 submittal also includes changes to Reg. No. 7 regarding RACT requirements for lithographic and letterpress printing, industrial cleaning solvents, and major sources of VOCs or NO_X. Colorado made substantive revisions to certain limited parts of Reg. No. 7, particularly Sections X, XII, XIII, XVI and new Section XIX., and also made non-substantive revisions to numerous parts of the regulation. For ease of review, Colorado submitted the full text of Reg. No. 7 as a SIP revision (with the exception of provisions designated ''State Only''). The EPA is only seeking comment on Colorado's proposed substantive changes to the SIP-approved version of Reg. No. 7, which are described below. We are not seeking comment on incorporation into the SIP of the revised portions of the regulation that were previously approved into the SIP and have not been substantively modified by the State as part of this submission.

As noted above, Colorado designated various parts of Reg. No. 7 ''State Only'' and in Section I.A.1.c indicated that sections designated State Only are not federally enforceable. The EPA concludes that provisions designated State Only have not been submitted for EPA approval, but for informational purposes. Hence, the EPA is not proposing to act on the portions of Reg. No. 7 designated State Only and this proposed rule does not discuss them further except as relevant to discussion of the portions of the regulation that Colorado intended to be federally enforceable.

2. Evaluation

a. Analysis of Reg. No. 7 Changes in May 5, 2013 Submittal

The EPA proposes to approve the changes made to Section XII.D (currently SIP-approved Section XII.A.2) with Colorado's May 5, 2013 submission.[47]

(i) Section XII.D

Section XII.D contains an introductory statement regarding the control requirements for atmospheric condensate storage tanks. The changes to current SIP-approved Section XII.A.2 are minor and do not change the substance of the corresponding EPA-approved provisions.

a. Section XII.D.2.a

Section XII.D.2.a contains the system-wide control requirements for condensate storage tanks. Owners and operators of storage tanks that emit greater than two tons per year of actual uncontrolled VOCs are subject to the requirements in Section XII.D.2.a. The current SIP provides for a weekly 75% system-wide VOC reduction during the summer ozone season beginning May 1, 2007, and 78% beginning May 1, 2012. The revised section significantly increases the summer ozone season weekly VOC reduction requirements from the current EPA-approved requirements, to 85% beginning in 2010 (revised Section XII.D.2.a.(ix)) and 90% beginning May 1, 2011, and each year thereafter (revised Section XII.D.2.a.(x)). The revised Section XII.D.2.a provides more stringent emission reductions than the current SIP and therefore serves to strengthen the SIP.

b. Analysis by Section of Reg. No. 7 Changes in May 31, 2017 Submittal

(i) Sections I, II, VI, VII, VIII, and IX

The changes in these sections are clerical[48] in nature and do not affect the substance of the requirements. Therefore, we propose to approve the changes.

(ii) Section X

Section X. regulates VOC emissions from the use of cleaning solvents. We will be acting on Section X revisions in a future action.

(iii) Section XII

Section XII contains emission control requirements for VOCs from oil and gas operations. The State originally reorganized Section XII and included additional control requirements for condensate tanks in their June 18, 2009 SIP submittal. The EPA disapproved revisions to Reg. No. 7, Section XII in our August 5, 2011 rulemaking (76 FR 47443) because of deficiencies in Colorado's proposed revisions (*see* 75 FR 42355, July 21, 2010). The State once again submitted proposed revisions to Section XII with their May 31, 2017 submissions. Table 9 outlines the reorganization/renumbering in Colorado's proposed revisions to Section XII:

TABLE 9—REORGANIZATION/RENUMBERING IN COLORADO'S PROPOSED REVISIONS TO SECTION XII

Proposed section XII numbering	Corresponding EPA-approved section XII numbering	Subject
XII.A	XII.A	Applicability.
XII.A.1	XII.A	Applicability.
XII.A.1.a through d.(ii)	XII.A.1.a through c	Applicability.
XII.A.2	XII.D.4	Exception to applicability of oil refineries.

[46] On October 20, 2016, the EPA issued final CTGs for existing sources in the oil and natural gas industry (*see https://www.epa.gov/sites/production/files/2016-10/documents/2016-ctg-oil-and-gas.pdf*). In accordance with the timing set forth in the CTG, Colorado has two years from this date (October 20, 2018) to submit SIP revisions to EPA to update RACT for this source category (*see Memo: Implementing Reasonably Available Control Technology Requirements for Sources Covered by the 2016 Control Techniques Guidelines for the Oil and Natural Gas Industry,* available within the docket for this action).

[47] All other sections of Reg. No. 7 addressed in the May 5, 2013 submission have been superseded by the State's May 31, 2017 submission. The EPA is not acting on the superseded earlier submissions.

[48] When we describe changes as clerical in this proposed action, we are referring to changes like section renumbering, alphabetizing of definitions, minor grammatical and editorial revisions, and changes in capitalization.

TABLE 9—REORGANIZATION/RENUMBERING IN COLORADO'S PROPOSED REVISIONS TO SECTION XII—Continued

Proposed section XII numbering	Corresponding EPA-approved section XII numbering	Subject
XII.A.3	None	Applicability for natural gas-processing plants and certain natural gas compressor stations. Subject to Section XII.G. and XII.I.
XII.A.4	None	Applicability for certain glycol natural gas dehydrators, natural gas compressor stations, drip stations, or gas processing plants. Only subject to XII.B and XII.H.
XII.A.5	XII.A.8	Exception to applicability based on uncontrolled actual VOC emissions threshold of 30 tons per year.
XII.B	None	Definitions specific to section XII.
XII.B.1, 2, 3, 9, and 14	XII.D.5, 8, 6, 1, and 9.	Definitions of various terms.
XII.B.4, 5, 6, 7, 8, 10, 11, and 12	None	Definitions of various terms.
XII.C	XII.D	General provisions to section XII.
XII.C.1	None	General requirements for air pollution control equipment, leaks.
XII.C.1.a	XII.D.2.a	General requirements for operation/maintenance of control equipment.
XII.C.1.b	XII.D.2.b	General requirement to minimize leakage of VOCs.
XII.C.1.c	XII.A.7 and XII.A.4.h	Air pollution control—equipment control efficiency. Failure to operate and maintain control equipment at indicated locations is a violation.
XII.C.1.d	XII.D.2.c	Requirements for combustion devices.
XII.C.1.e	None	State-only requirements related to combustion devices.
XII.C.1.e.(iii)	None	Auto-igniter requirements for combustion devices.
XII.C.2 and XII.C.2.a	XII.D.3	Emission factors for emission estimates.
XII.D	XII.A.2	Emission control requirements for condensate tanks.
XII.D.2.a.(i) through (x)	XII.A.2.a through h	System-wide control requirements for condensate storage tanks.
XII.D.2.b	XII.A.9	Alternative emission control equipment.
XII.E	XII.A.3	Monitoring.
XII.E.1	None	Requirements for control equipment other than a combustion device.
XII.E.2, XII.E.2.a and b	XII.A.3.a and b	Checks for combustion devices.
XII.E.3	XII.A.4.j	Documentation of inspections.
XII.E.3.a.–e	XII.A.3.c.–f	Requirements for the weekly check.
XII.F	XII.A.4 and XII.A.5	Recordkeeping and reporting requirements.
XII.F.1 and 2	XII.A.10 and 11	Marking of AIRS numbers on tanks.
XII.F.3	XII.A.4	Introductory language for recordkeeping.
XII.F.3.a(i)	XII.A.4.a	List of tanks and production volumes.
XII.F.3.a(ii) and (iii)	XII.A.4.b and c	Listing of emission factors and location and control efficiencies.
XII.F.3.a(iv)	XII.A.4.d.i	List weekly and monthly production values. Describes how to determine the averages.
XII.F.3.a(v)–(vii)	XII.A.4.d.ii–iv	List weekly and monthly uncontrolled actual and controlled actual emissions by tank and system-wide. List percent reductions weekly and monthly.
XII.F.3.a(viii)	XII.A.4.e	Note any downtime and account for it.
XII.F.3.a(ix)–(x)	XII.A.4.f–g	Maintaining and mailing of spreadsheet.
XII.F.3.b–d	XII.A.4.h–j	Failure to have control equipment as indicated on spread sheet is violation. Retain spread sheets for five years. Maintain records of inspections.
XII.F.4	XII.A.5	Reporting for system-wide requirements.
XII.F.4.a	XII.A.5.a	List tanks and production volumes.
XII.F.4.b–c	XII.A.5.b–c	List emission factor and location and control efficiency.
XII.F.4.d	XII.A.5.d	What different reports must show based on time of year. Emissions from individual tanks must be included.
XII.F.4.e	XII.A.5.e	What different reports must show based on time of year. Emissions system-wide.
XII.F.4.f	XII.A.5.f	What different reports must show based on time of year. Percent reduction system-wide.
XII.F.4.g	XII.A.5.g	Note shutdown of control equipment and account for same in totals.
XII.F.4.h	XII.A.5.h	State whether required reductions were achieved.
XII.F.4.i	XII.A.5.i	Include any information requested by the Division.
XII.F.4.j	XII.A.5.j	Retention period.
XII.F.4.k	XII.A.5.k	Additional reporting, monthly reporting of problems and corrective actions.
XII.F.4.l	XII.A.5.l	Before ozone season, identify tanks being controlled to meet system-wide control requirements.
XII.F.5	XII.A.6	Exemption from record-keeping and reporting requirements for natural gas compressor stations and drip stations authorized to operate pursuant to a construction or operating permit.
XII.G	XII.B	Requirements for gas processing plants. Introductory statement.
XII.G.1	XII.B.1	Part 60 leak detection applies.
XII.G.2	XII.B.2	Applicability of control equipment.
XII.G.3	XII.B.3	Compliance date for existing plants.
XII.G.4	XII.B.4	Compliance date for new plants.

TABLE 9—REORGANIZATION/RENUMBERING IN COLORADO'S PROPOSED REVISIONS TO SECTION XII—Continued

Proposed section XII numbering	Corresponding EPA-approved section XII numbering	Subject
XII.H.1	XII.C	Requirements that apply to vents from gas-condensate-glycol separators or tanks on glycol natural gas dehydrators at an oil and gas exploration and production operation, natural gas compressor station, drip station or gas-processing plant.
XII.H.3	XII.C	Control requirements application.
XII.H.3.b	XII.C	Control requirements application.
XII.H.4	None	Method for calculating emissions from vents.
XII.H.5	None	Monitoring and recordkeeping requirements for glycol natural gas dehydrators.
XII.H.6	None	Reporting requirements for glycol natural gas dehydrators.
XII.I		Natural gas compressor and drip station section XII requirements exemptions.

Section XII revises requirements for system-wide reductions in condensate storage tank VOC emissions. The current EPA-approved Section XII requires that uncontrolled actual condensate tank VOC emissions in the DMNFR area be reduced on a weekly basis during the summer ozone season by 75% system-wide beginning May 1, 2007, and 78% beginning May 1, 2012. Revised Section XII (Section XII.D.2) requires an 81% system-wide reduction in uncontrolled actual weekly condensate tank VOC emissions during the summer ozone season beginning May 1, 2009, an 85% reduction beginning May 1, 2010, and a 90% reduction beginning May 1, 2011. Section XII proposed revisions also include combustion device auto-igniter requirements, a leak detection and repair (LDAR) program applicable to natural gas processing plants, and emission reductions from glycol natural gas dehydrators requirements. Below, we describe in detail Colorado's proposed revisions to Section XII and the basis for our proposed approval of such revisions.

a. Section XII.A

Section XII.A defines the applicability of Section XII requirements and is consistent with the current EPA-approved applicability provisions in Section XII.

b. Section XII.B

Section XII.B contains definitions specific to Section XII. The substance of the definitions in Sections XII.B.1, 2, 3, 9, 12, and 14 is unchanged from the definitions contained in SIP approved Sections XII.D.1 and XII.D.5 through 9. The other definitions in revised Section XII.B define the following terms that are used in Section XII: Auto-igniter, calendar week, condensate storage tank, downtime, existing, modified or modification, and new. The definitions are clear, straightforward, and accurate.

The definition of existing is only pertinent to State-only provisions and thus has no meaning for our SIP action.

c. Section XII.C.1

Section XII.C.1 contains general requirements for air pollution control equipment and prevention of leakage. Section XII.C.1.e includes a provision requiring all combustion devices installed on or after January 1, 2017, used to control emissions of VOCs to be equipped with an operational auto-igniter. This new provision strengthens Colorado's SIP. The remaining Section XII.C.1 revisions do not change the substance of the corresponding EPA-approved provisions.

d. Section XII.C.2

Section XII.C.2 describes the emission factors to be used for estimating emissions and emissions reductions from condensate storage tanks under Section XII. In the current EPA-approved SIP (Sections XII.D.3.b and 3.b.i), the emission factors to be used are specified for condensate storage tanks at natural gas compressor stations, natural gas drip stations, and gas-condensate-glycol separators. In revised Sections XII.C.2.a.(ii) and a.(ii)(A), Colorado deleted the reference to gas-condensate-glycol separators. Revised Section XII.H still requires a 90 percent reduction in emissions at certain gas-condensate-glycol separators. Emission calculation and monitoring and recordkeeping requirements established in XII.H.4, 5, and 6 provide for enforcement and compliance of emission reduction requirements in XII.H.1.

At the EPA's request, Colorado deleted the EPA approval requirement in XII.C.2.a.(ii)(B). The EPA is not involved in formal approval of site-specific emission factors and the EPA was concerned with previous SIP-approved language in XII.D.b.3.ii, which allowed for default SIP approval if the EPA did not object within 30 days to a test method approved by the Division to determine an emission factor.

e. Section XII.D

Section XII.D contains an introductory statement regarding the control requirements for atmospheric condensate storage tanks. The changes to current SIP-approved Section XII.A.2 are minor and do not change the substance of the corresponding EPA-approved provisions.

f. Section XII.D.2.a

Section XII.D.2.a. contains the system-wide control requirements for condensate storage tanks and adds an introductory statement clarifying requirements for installing air pollution control equipment on condensate storage tanks to achieve reductions outlined in Sections XII.D.2.a.(i) through (x). The current SIP provides for a weekly 75% system-wide VOC reduction during the summer ozone season beginning May 1, 2007, and 78% beginning May 1, 2012. The revised section significantly increases the summer ozone season weekly VOC reduction requirements from the current EPA-approved requirements, to 85% beginning in 2010 (revised Section XII.D.2.a.(ix)) and 90% beginning May 1, 2011, and each year thereafter (revised Section XII.D.2.a.(x)). The revised Section XII.D.2.a. provides more stringent emission reductions than the current SIP and therefore strengthens the SIP.

g. Section XII.D.2.b

Section XII.D.2.b is a renumbered version of current EPA-approved Section XII.A.9. This section contains a process for approval of alternative emissions control equipment and pollution prevention devices and processes. Among other things, the section specifies requirements for public participation and EPA approval. Colorado did not change the substance

of this provision, but simply renumbered it from Section XII.A.9 to XII.D.2.b.

h. Section XII.E

Section XII.E contains the monitoring requirements that are currently specified in EPA-approved Sections XII.A.3 and XII.A.4.j. Colorado retained the basic requirement for weekly inspections or monitoring. Colorado improved certain provisions. For example, under revised Section XII.E, an owner or operator must ensure not only that the control equipment is operating, but that it is operating properly. Revised Section XII.E.1 adds a requirement that owners or operators of control equipment other than a combustion device follow manufacturer's recommended maintenance and inspect the equipment to ensure proper maintenance and operation. Revised Section XII.E.3 (current XII.A.4.j) adds a requirement that the owner or operator document any corrective actions taken and the name of the individual performing the corrective actions resulting from a weekly inspection. Revised Sections XII.E.3.a through d. add the requirement that the owner or operator not only perform certain checks, but that the owner or operator document those checks. Revised Section XII.E.3.e adds a new requirement for owners or operators to conduct and document audio, visual, and olfactory inspections during liquids unloading events for tanks with uncontrolled actual emissions of VOCs equal to or greater than six tons per year. These provisions strengthen the SIP.

i. Section XII.F

Section XII.F contains recordkeeping and reporting requirements that are currently in EPA-approved Sections XII.A.4 and XII.A.5. The recordkeeping requirements specify information that must be listed on a spreadsheet that owners/operators must maintain. Many of the provisions are identical to those in the current EPA approved SIP.

In Sections XII.F.1 through 4, Colorado made a few substantive changes to the existing provisions. In revised Section XII.F.3, Colorado added a sentence requiring the owner or operator to track VOC reductions on a calendar weekly and calendar monthly basis to demonstrate compliance with system-wide VOC reduction requirements. Colorado also specified that owners/operators would need to use the Division-approved spreadsheet to track VOC emissions and reductions. These changes are reasonable and consistent with CAA requirements.

j. Section XII.F.3

In revised Section XII.F.3.a(i), which requires the spreadsheet to list the condensate storage tanks subject to Section XII and the production volumes for each tank, Colorado specified that the spreadsheet must list monthly production volumes. Revised Section XII.F.3.a(iv) also requires the owner/operator to list the production volume for each tank as a weekly and monthly average based on the most recent measurement available and specifies the method for pro-rating that measurement over the weekly or monthly period.

Revised Section XII.F.3.c requires owners/operators to retain a copy of each weekly and monthly spreadsheet for five years instead of the three years required by current EPA-approved Section XII.A.4.i. Revised Section XII.F.3.d requires owners/operators to maintain records of inspections required by Sections XII.C. and XII.E. for five years.

k. Section XII.F.4

In revised Section XII.F.4, Colorado made minor changes to current EPA-approved reporting requirements. Revised Section XII.F.4.a requires the semiannual reports to list all condensate storage tanks subject to or used to comply with the system-wide reduction requirements, not just the tanks that are subject to such requirements. This reflects the change to the regulation that allows owners/operators to control tanks with emissions below the Air Pollutant Emission Notice (APEN) filing levels to meet the percent reduction requirement in Section XII.D.2. In revised Sections XII.F.4.d through f. Colorado clarified that the April 30 reports must include the monthly emissions information and the November 30 reports must include the weekly emissions information. In revised Section XII.F.4.g, Colorado deleted the requirement in current EPA-approved Section XII.A.5.g that the owner/operator note in the report list ''the date the source believes the shutdown [of control equipment] occurred, including the basis for such belief.'' This deletion is reasonable because the owner/operator is not likely to be able to make an accurate estimate of the date the shutdown occurred, and, thus, the information is not likely to be meaningful in an enforcement context.

In revised Section XII.F.4.h, Colorado clarified monthly versus weekly reporting requirements. In revised Section XII.F.4.j, Colorado increased the retention period for reports from 3 years to 5 years. These changes are consistent with CAA requirements.

l. Section XII.F.5

Section XII.F.5 contains an exemption from Section XII's record-keeping and reporting requirements for owners/operators of natural gas compressor stations (NGCSs) or natural gas drip stations (NGDSs) authorized to operate pursuant to a construction permit or Title V operating permit if certain conditions are met. In our August 5, 2011 (76 FR 47443) proposed rulemaking, we expressed our concern with Colorado's removal of one of the conditions for this exemption contained in current EPA-approved Section XII.A.6. Colorado's current submission reinstates this exemption. Colorado therefore did not change the substance of this provision, but simply renumbered it from Section XII.A.6 to section XII.F.5, made minor typographical corrections, and updated section references.

m. Section XII.G

Section XII.G specifies the control requirements applicable to gas processing plants and corresponds to current EPA-approved Section XII.B. The EPA-approved Section XII.B requires gas processing plants to meet the requirements in Section XII.B specifically applicable to such plants as well as the requirements in current EPA-approved Section XII.C, pertaining to certain still vents and vents from gas condensate-glycol separators, and Section XVI, pertaining to emissions from stationary and portable engines. Revised Section XII.G requires gas processing plants to additionally comply with the requirements of revised Section XII.B, the definitions section, revised Sections XII.C.1.a and XII.C.1.b, which specify maintenance and design requirements for control equipment and the obligation to minimize leakage of VOCs to the atmosphere, and revised Section XII.H, which specifies control requirements for still vents and vents flash separators or flash tanks on glycol natural gas dehydrators located at oil and gas exploration and production operations, natural gas compressor stations, drip stations, or gas-processing plants. It appears that this change would strengthen the requirements applicable to gas-processing plants.

n. Section XII.G.1

Section XII.G.1 specifies that NSPS leak detection and repair requirements apply regardless of the date of construction of the facility, and adds a reference to LDAR requirements in NSPS OOOO and OOOOa. Colorado made no substantive changes to this provision.

o. Section XII.G.2

Section XII.G.2 is a renumbered and revised version of current EPA-approved Section XII.B.2. This provision specifies the applicability threshold for installation of control equipment at gas processing plants and the efficiency requirement for the control equipment. The EPA approved current Section XII.B.2 on August 19, 2005 (70 FR 48652). In current EPA-approved Section XII.B.2, the requirement to install control equipment is triggered if condensate storage tank throughput exceeds ''APEN de minimis levels,'' as set in the State's Reg. No. 3, Part A, Section II.D. That regulation in turn specified that in attainment areas, the APEN requirement applied to sources with uncontrolled emissions of any criteria pollutant of less than two tons per year. For nonattainment areas, this de minimis threshold dropped to one ton per year. When the State submitted and the EPA approved section XII.B.2, the 8-hour ozone control area was still in attainment,[49] and therefore the APEN de minimis level referenced in Section XII.B.2 was two tons per year.

In 2008, along with renumbering section XII.B.2 to XII.G.2, Colorado revised the threshold in this provision to accurately reflect the original two-ton-per-year level.[50] The two-ton threshold in revised Section XII.G.2, therefore, would capture the same tanks as were being captured at the time Section XII.B.2 was approved into the State's SIP, and would also provide clarity as to the SIP requirements by removing a cross-reference that is arguably ambiguous. We propose to find that the revised section XII.G.2 is approvable because it clarifies the applicability threshold for determining which condensate storage tanks are subject to control requirements.

[49] The 1997 8-hour ozone NAAQS nonattainment designation for the DMNFR became effective November 20, 2007 (72 FR 53952 and 53953, September 21, 2007).

[50] Colorado submitted this to the EPA as a SIP revision on July 18, 2009, but we disapproved the proposed revisions to section XII, including XII.G.2, with our August 11, 2011 rulemaking (76 FR 47443). In our proposal, as to XII.G.2. we stated that our proposed disapproval rested in part on uncertainty about the effect of the change from ''APEN de minimis levels'' to ''greater than or equal to two tons per year,'' and in part on a revised control efficiency requirement that introduced a twelve-month averaging period. (75 FR 42346, 42358, July 21, 2010). Colorado has since removed the twelve-month averaging period, and as described in this notice we have concluded that the effect of the change to a specific two-ton-per-year threshold has the effect of clarifying the SIP, not weakening it. Accordingly, we are proposing to find that this provision is approvable.

p. Section XII.G.3

Section XII.G.3 specifies the compliance date for existing natural gas processing plants. Colorado did not change the substance of this provision.

q. Section XII.G.4

Revised Section XII.G.4, which specifies the compliance date for new gas processing plants, adds a reference to Section XII.G. Colorado did not change the substance of this provision.

r. Section XII.H.1

Section XII.H.1. specifies control requirements in current EPA-approved Section XII.C. for still vents and vents from gas-condensate-glycol separators on glycol natural gas dehydrators at oil and gas exploration and production operations, natural gas compressor stations, drip stations, or gas-processing plants. Colorado did not change the substance of this provision.

s. Section XII.H.3

XII.H.3 specifies that control requirements in Sections XII.H.1 and 2 apply where uncontrolled emissions of VOCs from glycol gas dehydrators are equal to or greater than one ton per year and the sum of actual uncontrolled emissions of VOCs from any single or grouping of glycol natural gas dehydrators at a single source is greater than 15 tons per year. Revised Section XII.H clarifies current EPA-approved Section XII.C's applicability threshold for control requirements.

t. Section XII.H.4

Section XII.H.4 adds a requirement for calculating emissions from still vents and vents from flash separators or flash tanks on glycol natural gas dehydrators to ensure the 90 percent VOC emission reduction requirements in XII.H.1 are achieved. This provision strengthens the SIP.

u. Section XII.H.5

Section XII.H.5. adds monitoring and recordkeeping requirements for enforcement and compliance of emission reduction requirements in XII.H.1. XII.H.5.a requires owners and operators of natural gas dehydrators to check on a weekly basis that condensers and air pollution equipment control equipment are operating properly, and to document dates of inspections, problems observed, and descriptions and dates of corrective actions taken. XII.H.5.b requires owners and operators to check and document on a weekly basis that pilot lights on combustion devices are lit, that valves for piping gas to pilot lights are open, and to check for smoke. XII.H.5.c requires owners and operators to document any maintenance of the condenser or air pollution control equipment consistent with manufacturer specifications or good engineering practices, and XII.H.5.d requires owners or operators to retain records for a period of 5 years. Although there are requirements to check for and document any problems observed while inspecting condenser or air pollution control equipment, the State does not require any corrective action be taken to fix the problem. The EPA recommends the State add requirements for corrective action to be taken. However, even as is, the provision strengthens the SIP, and therefore the absence of a corrective action requirement within it does not form a basis for disapproval.

v. Section XII.H.6

The reporting requirements included in section XII.H.6 support additional enforcement and compliance efforts in connection with the emission reduction requirements in XII.H.1. Under XII.H.6.a, owners or operators submit to the Division on a semiannual basis a list of glycol natural gas dehydrators subject to section XII.H, a list of condensers or air pollution control equipment used to control emissions of VOCs, and dates of inspections when condensers or air pollution control equipment was found not to be operating properly. This provision strengthens the SIP.

w. Section XII.I

Section XII.I is entirely new. It adds an exemption from the otherwise applicable requirements of Section XII for an owner or operator of any natural gas compressor station or natural gas drip station, but only if the owner or operator applies control equipment designed to achieve a VOC control efficiency of at least 95% to each condensate storage tank or tank battery with uncontrolled VOC emissions greater than or equal to two tons per year and meets certain other requirements. This is more stringent than the system-wide requirement because it requires 95% control at each tank or tank battery over the threshold rather than a maximum of 90% control system-wide. Recordkeeping and reporting requirements in XII.I.4 provide for enforcement and compliance of emission reduction requirements in XII.I. This provision strengthens the SIP.

Based on our analysis of Section XII changes, we find that revisions are clerical in nature, do not change the substance of currently approved SIP provisions, or are SIP strengthening provisions. The State has not yet submitted a RACT analysis for this

source category. Colorado has until October 27, 2018, to submit SIP revisions to address requirements of the EPA's oil and gas CTG published in 2016 (*see* footnote 37 of this notice). We therefore we propose approving the changes in Section XII.

(iv) Section XIII

Section XIII regulates VOC emissions from graphic arts and printing processes.

a. Sections XIII.A

Changes to Section XIII.A are clerical in nature and do not affect the substance of the requirements.

b. Section XIII.B

Section XIII.B addresses VOC emissions from the use of fountain solutions, cleaning materials, and inks at lithographic and letterpress printing operations. XIII.B.1 includes general provisions of the rule including definitions, applicability, and work practice requirements, and VOC content limits for inks. Section XIII.B.2 outlines requirements for cleaning materials used at offset lithographic printing and letterpress printing operations and exempted materials and operations. Section XIII.B.3 contains requirements for the use of fountain solutions at offset lithographic printing operations, sheet-fed printing operations, and for non-heatset web printing. Section XIII.B.4 sets forth control requirements for heatset web offset lithographic and heatset web letterpress printing operations. Requirements include reducing VOC emissions from heatset dryers thorough an emission control system with a control efficiency of 90% or greater and 95% or greater for control devices installed on or after January 1, 2017. Section XIII.B.4.d outlines exemptions from control requirements in Section XIII.B.4. Finally, XIII.B.5 [51] contains monitoring, recordkeeping, and reporting requirements for compliance with VOC emission reduction requirements in XIII.B.4. We find that the provisions are consistent with CAA requirements and CTGs, and that they strengthen the SIP.

Therefore, we propose to approve the changes in Section XIII.

(v) Section XVI

Section XVI specifies emission control requirements for stationary and portable engines and other combustion equipment.

a. Section XVI.A.–XVI.C

Revisions in Sections XVI.A through XVI.C make grammatical changes and update references to section numbers. Colorado did not change the substance of this provision.

b. Section XVI.D

Section XVI.D. adds a combustion adjustment requirement for individual pieces of combustion equipment at major sources of NO_X in Section XVI.D. The requirements in Section XVI.D apply to some equipment that is not subject to work practices under the NESHAPs that have uncontrolled actual NO_X emissions equal to or greater than 5 tpy. Sections XVI.D.2.a–d include inspection and adjustment requirements for boilers, process heaters, duct burners, stationary combustion turbines, and stationary internal combustion engines. Section XVI.D.2.e requires owners and operators to operate and maintain equipment subject to Section XVI.D consistent with manufacturer's specifications or good engineering and maintenance practices. Section XVI.D.2.f outlines combustion adjustment frequency requirements and Section XVI.D.3 includes recordkeeping requirements for owners and operators when implementing combustion process adjustments. Section XVI.D.4 sets forth alternative options to the requirements in Sections XVI.D.2.a–e and XVI.D.3.a including conducting combustion process adjustments according to manufacturer's recommended procedures and schedules, or conducting tune-ups or adjustments according to schedules and procedures of applicable NSPS or NESHAPs. We find that the provisions in Section XVI.D are consistent with Clean Air Act requirements and CTGs, and that they strengthen the SIP.

For the reasons previously explained, we propose to approve the changes in Section XVI.

(vi) Section XIX

Section XIX establishes RACT requirements for emission points at major sources of VOC and NO_X in the DMNFR area. We will be acting on Colorado's RACT demonstration for major sources and revisions to Section XIX in a future rulemaking.

V. Proposed Action

We propose to approve the SIP submittal from the State of Colorado for the DMNFR ozone nonattainment area submitted on May 31, 2017. Specifically, we propose to approve the following:

- Attainment demonstration with weight of evidence analysis for the 2008 ozone NAAQS;
- Base and future year emissions inventories;
- RFP Demonstration;
- Demonstration of RACT for VOC CTG sources (except for the following CTG source categories as to which we are not taking any action at this time: Metal Furniture Coatings, 2007; Miscellaneous Metal Products Coatings, 2008; Wood Furniture Manufacturing Operations, 1996; Industrial Cleaning Solvents, 2006; Aerospace, 1997; and Oil and Natural Gas Industry, 2016.);
- Demonstration of RACM implementation;
- Motor vehicle I/M program revisions in Colorado's Reg. No. 11;
- NNSR program;
- Contingency measures plan;
- MVEBs; and
- Revisions to Colorado's Reg. No. 7 (except for revisions to Reg. No. 7, Section X pertaining to VOC controls of industrial cleaning solvents and Reg. No. 7, Section XIX revisions pertaining to RACT requirements for major sources as to which we are not taking any action).

We also propose to approve SIP revisions to Reg. No. 7 submitted by the State on May 13, 2013, except for provisions that have been superseded by later submissions, as to which we are not taking any action. We propose these actions in accordance with section 110 and part D of the CAA.

VI. 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 Colorado Regulation Number 11 pertaining to regulation of the State's motor vehicle emissions inspection program and Colorado Regulation Number 7 pertaining to regulation of sources of VOC and NO_X emissions discussed in section IV., J. Motor Vehicle Inspection and Maintenance Program (I/M) Program and N. SIP Control Measures of this preamble. The EPA has made, and will continue to make, these materials generally available electronically through *www.regulations.gov* and in hard copy at the appropriate EPA office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

[51] Section XIII.B.5. contains a numbering error. The State has committed to correcting the errors in Section XIII.B.5.a. in a subsequent SIP revision which are currently numbered ''XIII.E.5.a.,'' ''XIII.E.5.b.,'' and ''XIII.E.5.c.''

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

List of Subjects in 40 CFR Part 52

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

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

Dated: March 29, 2018

Douglas H. Benevento,

Regional Administrator, Region 8.

[FR Doc. 2018–06847 Filed 4–5–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 831, 833, 852 and 871

RIN 2900–AQ02APxx

Revise and Streamline VA Acquisition Regulation—Parts 831 and 833

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend and update its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy superseded by changes in the Federal Acquisition Regulation (FAR), to remove any procedural guidance internal to VA into the VA Acquisition Manual (VAAM), and to incorporate any new agency specific regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates portions of the removed VAAR as well as other internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, we will publish them in the **Federal Register**. VA will combine related topics, as appropriate. In particular, this rulemaking revises VAAR parts 831—Contract Cost Principles and Procedures and 833—Protests, Disputes, and Appeals, as well as affected parts 852—Solicitation Provisions and Contract Clauses, and 871—Loan Guaranty and Vocational Rehabilitation and Employment Programs.

DATES: Comments must be received on or before June 5, 2018 to be considered in the formulation of the final rule.

ADDRESSES: Written comments may be submitted through *www.Regulations.gov*; by mail or hand-delivery to Director, Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue NW, Room 1063B, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to ''RIN 2900–AQ02—Revise and Streamline VA Acquisition Regulation—Parts 831 and 833).'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Mr. Rafael N. Taylor, Senior Procurement Analyst, Procurement Policy and Warrant Management Services, 003A2A, 425 I Street NW, Washington, DC 20001, (202) 382–2787. This is not a toll-free telephone number.

SUPPLEMENTARY INFORMATION:

Background

This rulemaking is issued under the authority of the Office of Federal Procurement Policy (OFPP) Act, which provides the authority for an agency head to issue agency acquisition regulations that implement or supplement the FAR.

VA is proposing to revise the VAAR to add new policy or regulatory requirements and to remove any redundant guidance and guidance that is applicable only to VA's internal operating processes or procedures. Codified acquisition regulations may be amended and revised only through rulemaking. All amendments, revisions, and removals have been reviewed and concurred with by VA's Integrated Product Team of agency stakeholders.

The VAAR uses the regulatory structure and arrangement of the FAR and headings and subject areas are consistent with FAR content. The VAAR is divided into subchapters, parts (each of which covers a separate aspect of

acquisition), subparts, sections, and subsections.

When Federal agencies acquire supplies and services using appropriated funds, the purchase is governed by the FAR, set forth at Title 48 Code of Federal Regulations (CFR), chapter 1, parts 1 through 53, and the agency regulations that implement and supplement the FAR. The VAAR is set forth at Title 48 CFR, chapter 8, parts 801 to 873.

Discussion and Analysis

The VA proposes to make the following changes to the VAAR in this phase of its revision and streamlining initiative. For procedural guidance cited below that is proposed to be deleted from the VAAR, each section cited for removal has been considered for inclusion in VA's internal agency operating procedures in accordance with FAR 1.301(a)(2). Similarly, delegations of authorities that are removed from the VAAR will be included in the VA Acquisition Manual (VAAM) as internal agency guidance. The VAAM is being created in parallel with these revisions to the VAAR and is not subject to the rulemaking process as they are internal VA procedures and guidance. The VAAM will not be finalized until corresponding VAAR parts are finalized and therefore the VAAM is not yet available on line.

We propose to revise the authority citations under Parts 831, 833, and 871 to include a reference to 41 U.S.C. 1121(c)(3) which is from Title 41, Public Contracts, Positive Law codification that speaks to the authority of an executive agency under another law to prescribe policies, regulations, procedures, and forms for procurement that are subject to the authority conferred in the cited section, as well as other sections of Title 41 as shown therein. For parts 831 and 871, we also propose to replace the 38 U.S.C. 501 citation with 41 U.S.C. 1702 which addresses the acquisition planning and management responsibilities of Chief Acquisition Officers and Senior Procurement Executives, to include implementation of unique procurement policies, regulations and standards of the executive agency. 38 U.S.C. 501 is a more general authority for the Secretary to utilize to prescribe all rules and regulations. The title 41 authority is more appropriate to cite when publishing the VAAR. Any other proposed changes to authorities are shown under the individual parts below.

VAAR Part 831—Contract Cost Principles and Procedures

In addition to the changes in authority cited earlier in this preamble, we propose to revise the authority citations under Part 831 to add 38 U.S.C. chapter 31, which is the basic statute for providing training and rehabilitation for veterans with service-connected disabilities.

In subpart 831.70, we propose to revise the title of this subpart to more accurately reflect the subject matter and because it duplicated the title for part 831. We propose to revise the title for subpart 831.70 from ''Contract Cost Principles and Procedures,'' to ''Contract Cost Principles and Procedures for Veterans Services under 38 U.S.C. Chapter 31.''

In section 831.7000, Scope of subpart, we propose to revise the section to clarify that the cost principles apply to the negotiation of prices under fixed-price contracts as well as to costs under cost reimbursement contracts, and to contracts with educational institutions as well as those with commercial and non-profit organizations.

We propose to add a new section 831.7000–1 titled ''Definitions,'' to provide definitions for four terms used in the part.

In section 831.7001, we propose to revise the title from ''Allowable costs under cost reimbursement vocational rehabilitation and education contracts or agreements'' to read ''Allowable costs and negotiated prices under vocational rehabilitation and education contracts'' to more accurately describe the subject matter of the section.

In section 831.7001–1, Tuition, we propose to amend the text to simplify the limitations on tuition and enrollment fees that may be paid under the chapter 31 program, and to standardize throughout the part the term ''Veteran student'' for the beneficiary of the chapter 31 programs.

In section 831.7001–2, Special services or courses, we propose minor revisions to clarify terms for services or courses that are supplementary to those customarily provided to similarly circumstanced non-Veteran students.

In section 831.7001–3, Books, supplies, and equipment required to be personally owned, we propose to amend the text to clarify the limitations on fees that may be paid for these and other miscellaneous items under the chapter 31 program, and to further reorganize the section by combining limits that apply to several items or categories. We propose to move and combine certain paragraphs where appropriate, to fall under more applicable category headings, to streamline the language under revised paragraphs (a) through (e), and to remove paragraphs (f) through (k).

In section 831.7001–4, Medical services and hospital care, we propose to revise the text to make minor edits to clarify some terms.

In section 831.7001–6, Consumable instructional supplies, we propose to revise the number of the section to 831.7001–5, and to make two other minor edits.

In section 831.7001–7, Reimbursement for other supplies and services, we propose to revise the number of the section to 831.7001–6, and to make one other minor edit.

VAAR Part 833—Protests, Disputes, and Appeals

We propose to amend the authority citation for part 833 to add the reference to the positive law codification of Title 41, United States Code, pertaining to the general authority of an executive agency under another law to prescribe policies, regulations, procedures, and forms for procurement subject to the authority conferred in 41 U.S.C. 1121(c)(3). We also propose to add the Title 41, chapter 71 authority pertaining to contract disputes, to include alternate means of dispute resolution.

We propose to delete the existing language in section 833.102, General, since it contains guidance that is internal operational procedures of the VA and will be in the VA Acquisition Manual (VAAM).

We propose to delete outdated information in section 833.103, Protests to VA, and renumber the section 833.103–70 in accordance with FAR drafting guidelines to reflect information that appropriately supplements the FAR. We propose to add new language in paragraph (a) that: (1) Would update information for where an interested party may protest to the contracting officer; or, (2) as an alternative, may request independent review above the level of the contracting officer to the Executive Director, Office of Acquisition and Logistics (ED/OAL), supported by the Office of Risk Management and Compliance Service (RMCS); or (3) where in the VA interested parties may appeal a contracting officer's decision on a protest. This new unified approach would streamline VA protest management by combining responsibilities previously shared between the Office of Construction and Facilities Management (CFM) and the former Deputy Assistant Secretary for Acquisition and Materiel Management. Some of the duties formerly assigned to

this old entity would be subsumed by a new organizational entity—the ED/OAL and one of its subordinate activities, RMCS, which handles protests on behalf of the ED. A new email address *EDProtests@va.gov* was secured by RMCS to be used exclusively for purposes of electronic submission of protest related documents by offerors/bidders.

In the renumbered section 833.103–70, Protests to VA, we also propose to add new language in a newly designated paragraph (b) that would revise slightly the language, but would retain the current types of protests that may be dismissed by VA without consideration of the merits, or may be forwarded to another agency for appropriate action. This proposed revision would renumber the paragraphs using standard numbering and format, and would make other minor edits including the following:

Paragraph (4)(i), we propose to renumber the paragraph to (b)(1) and to update the current positive law codified reference to the Contract Disputes statute, 41 U.S.C. chapter 71.

Paragraphs (4)(ii) through (viii) are proposed to be renumbered (b)(2) through (8), respectively.

In paragraph (b)(2), we propose to add language that states that pursuant to Public Law 114–328, the Small Business Administration (SBA) will also hear cases related to size, status, and ownership and control challenges under the VA Veterans First Contracting Program.

The newly renumbered proposed paragraph (b)(6), Contracts for materials, supplies, articles, and equipment exceeding $15,000, would provide that challenges of the legal status of a firm as a regular dealer or manufacturer be determined solely by the procuring agency, the SBA (if a small business is involved), and the Secretary of Labor.

In the newly renumbered proposed paragraph (b)(7), Subcontractor protests, the language would be revised to clarify that VA will not consider subcontractor protests except where VA determines it is in the interest of the Government. The phrase ''except where VA determines it is in the interest of the Government'' would be added to further clarify the sentence in lieu of the phrase ''by or for the Government.''

We propose to renumber the existing paragraph (b), which would encourage the use of Alternative Dispute Resolution (ADR) at any stage, to paragraph (c).

We propose to renumber paragraph (f), which details the new agency appellate review process for contracting officer's protest decision to be performed solely by the Executive Director, Office of Acquisition and Logistics, to paragraph (d).

We propose to delete section 833.104, Protests to GAO, since it contains procedural guidance that is internal to VA and will be in the VA Acquisition Manual (VAAM) and the FAR provides adequate notice to potential offerors.

We propose to renumber section 833.106, Solicitation provisions, as 833.106–70 to comport with FAR drafting guidelines and to reflect it supplements the FAR. The section would provide that the contracting officer shall insert the provision at 852.233–70, Protest content/alternative dispute resolution and the provision at 852.233–71, Alternate protest procedure, in solicitations expected to exceed the simplified acquisition threshold. The updated provision would include a new centralized alternate review and appeal process rather than the previous bifurcated CFM/OAL approach. It also would include a new dedicated email address to facilitate electronic protest submissions.

In subpart 833.2, Disputes and Appeals, section 833.209, Suspected fraudulent claims, we propose to revise the text to clarify that the contracting officer may not initiate any collection, recovery, or other settlement action concerning suspected fraudulent claims reported to the Office of the Inspector General (OIG), and referred to the Department of Justice, without first obtaining the concurrence of the U.S. Attorney concerned, through the OIG.

We propose to delete paragraphs (a) and (b) of the existing language in section 833.211, Contracting officer's decision, as the language is redundant to the FAR and is adequately covered in FAR 33.211. We propose to revise the language in the existing paragraph (c) and renumber it as (a) to align with the FAR in order to clarify that for purposes of appealing a VA contracting officer's final decision, the cognizant Board of Contract Appeals is the Civilian Board of Contract Appeals (CBCA).

We propose to delete section 833.212, Contracting officer's duties upon appeal, since it contains procedural guidance that is internal to VA and will be updated and moved to the VA Acquisition Manual (VAAM). The cognizant FAR part that this implements provides adequate notice to potential offerors.

We propose to revise section 833.213, Obligation to continue performance. Paragraph (a) would be revised to make one grammatical correction by adding ''FAR'' at the beginning of the second sentence in front of the FAR clause. Paragraph (b) would be revised to clarify that, in the event of a dispute not arising under, but relating to, the contract, if the contracting officer directs continued performance and considers providing financing for such continued performance, the contracting officer shall contact OGC for advice prior to requesting higher level approval for or authorizing such financing. It would also require the contracting officer to document in the contract file any required approvals and to explain how the Government's interest would be properly secured with respect to such financing.

We propose to revise section 833.214, Alternative dispute resolution (ADR), to clarify that guidance for ADR procedures may be obtained at the U.S. Civilian Board of Contract Appeals website *http://www.cbca.gsa.gov*. This section would retain the requirement that contracting officers and contractors are encouraged to use ADR procedures.

We propose to revise the language in the existing section 833.215, Contract clause, and rename it ''Contract clauses'' as this would implement the FAR section with the same title. This would retain existing language to provide that the contracting officer shall use the clause at 52.233–1, Disputes, with its Alternate I (see 833.213). This is necessary to reconcile the FAR requirement with recent updates to the dispute statutes.

VAAR Part 852—Solicitation Provisions and Contract Clauses

We propose to revise the VAAR title for subpart 852.2 to ''Text of Provisions and Clauses'' in lieu of ''Texts of Provisions and Clauses'' to comport with the FAR title to which the VAAR's subpart corresponds.

We propose to revise two provisions—852.233–70, Protest Content/Alternative Dispute Resolution, and 852.233–71, Alternate Protest Procedure. In the current version of the VAAR both of these provisions are prescribed in section 833.106. We propose to change the prescription for each provision: 852.233–70 would now be prescribed in 833.106–70(a) and 852.233–71 would now be prescribed in 833.106–70(b). The language in 852.233–71 would be revised to reorganize the existing single and unlettered paragraph by adding paragraphs (a) and (b). Paragraph (a) would provide the address where to file an alternate protest to other than the contracting officer and would provide a new VA email address to address the protest to the Risk Management and Compliance Service: *EDProtests@va.gov*. At paragraph (b), the provision would state that a protest will not be

considered if the interested party has a protest on the same or similar issue(s) pending with the contracting officer.

VAAR Part 871—Loan Guaranty and Vocational Rehabilitation and Employment Programs

We propose to revise the authority citations for Part 871 to add 38 U.S.C. Chapter 31, which is the basic statute for providing training and rehabilitation for veterans with service-connected disabilities.

In section 871.201–1, Requirements for the use of contracts, we propose to revise the introductory paragraph to clarify the language before the two conditions in paragraphs (a) and (b). We propose to revise paragraph (b), Special services or special courses, to comport with the revision of that term in section 831.7001–2.

Effect of Rulemaking

Title 48, Federal Acquisition Regulations System, Chapter 8, Department of Veterans Affairs, of the Code of Federal Regulations, as proposed to be revised by this rulemaking, would represent VA's implementation of its legal authority and publication of the Department of Veterans Affairs Acquisition Regulation (VAAR) for the cited applicable parts. Other than future amendments to this rule or governing statutes for the cited applicable parts, or as otherwise authorized by approved deviations or waivers in accordance with Federal Acquisition Regulation (FAR) subpart 1.4, Deviations from the FAR, and as implemented by VAAR subpart 801.4, Deviations from the FAR or VAAR, no contrary guidance or procedures would be authorized. All existing or subsequent VA guidance would be read to conform with the rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking as pertains to the cited applicable VAAR parts.

Executive Orders 12866, 13563 and 13771

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits of reducing costs, of harmonizing rules, and of promoting flexibility. E.O. 12866, Regulatory Planning and Review, defines ''significant regulatory action'' to mean any regulatory action that is likely to result in a rule that may: ''(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.''

VA has examined the economic, interagency, budgetary, legal, and policy implications of this regulatory action, and it has been determined not to be a significant regulatory action under E.O. 12866 because it does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm* by following the link for VA Regulations Published from FY 2004 Through Fiscal Year to Date. This proposed rule is not expected to be an E.O. 13771 regulatory action because this proposed rule is not significant under E.O. 12866.

Paperwork Reduction Act

This proposed rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

This proposed rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The overall impact of the proposed rule would be of benefit to small businesses owned by Veterans or service-disabled Veterans as the VAAR is being updated to remove extraneous procedural information that applies only to VA's internal operating procedures. VA is merely adding existing and current regulatory requirements to the VAAR and removing any guidance that is applicable only to VA's internal operation processes or procedures. VA estimates no cost impact to individual business would result from these rule updates. This rulemaking does not change VA's policy regarding small businesses, does not have an economic impact to individual businesses, and there are no increased or decreased costs to small business entities. On this basis, the proposed rule would not have an economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Therefore, under 5 U.S.C. 605(b), this regulatory action is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal Governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This proposed rule will have no such effect on State, local, and tribal Governments or on the private sector.

List of Subjects

48 CFR part 831

Accounting, Government procurement.

48 CFR Part 833

Administrative practice and procedure, Government procurement.

48 CFR Part 852

Government procurement, Reporting and recordkeeping requirements.

48 CFR Part 871

Government procurement, Loan programs—social programs, Loan programs—Veterans, Reporting and recordkeeping requirements, Vocational rehabilitation.

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. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on August 25, 2017, for publication.

Dated: February 22, 2018.

Consuela Benjamin,

Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons set out in the preamble, VA proposes to amend 48 CFR, chapter 8, parts 831, 833, 852 and 871 as follows:

PART 831—CONTRACT COST PRINCIPLES AND PROCEDURES

■ 1. The authority citation for part 831 is revised to read as follows:

Authority: 38 U.S.C. Chapter 31; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); 41 U.S.C. 1702; and 48 CFR 1.301–1.304.

PART 831—CONTRACT COST PRINCIPLES AND PROCEDURES

■ 2. Revise subpart 831.70 to read as follows

Subpart 831.70—Contract Cost Principles and Procedures for Veterans Services Under 38 U.S.C. Chapter 31

Sec.

831.7000 Scope of subpart.

This subpart contains general cost principles and procedures for the determination and allowance of costs or negotiation of prices under cost reimbursement or fixed-price contracts for providing vocational rehabilitation, education, and training to eligible Veterans under 38 U.S.C. chapter 31, (referred to as a ''Chapter 31 program''). This subpart applies to contracts with educational institutions as well as to contracts with commercial and non-profit organizations.

831.7000–1 Definitions.

Chapter 31 refers to the VR&E program that provides training and rehabilitation for Veterans with service-connected disabilities under chapter 31 of Title 38 U.S.C.

Consumable instructional supplies means those supplies which are required for instruction in the classroom, shop school, and laboratory of an educational institution, which are consumed, destroyed, or expended by either the student, instructor or both in the process of use, and which have to be replaced at frequent intervals without adding to the value of the institution's physical property.

Similarly circumstanced non-Veteran student means a student in equal or like situations as a person who is neither receiving educational or training benefits under chapter 31 or chapter 33 of Title 38 U.S.C. or the savings provisions of section 12(a) of Public Law 85–857, nor having all or any part of tuition fees or other charges paid by the educational institution.

Work adjustment training means a specialized structure program that is facility or community based and designated to assist an individual in acquiring or improving work skills, work behaviors, work tolerance, interpersonal skills or work ethics.

831.7001 Allowable costs and negotiated prices under vocational rehabilitation and education contracts.

831.7001–1 Tuition.

(a) Tuition and enrollment fees shall be paid at the institution's customary amount that—

(1) Does not exceed the tuition charged to similarly circumstanced non-Veteran students; and

(2) Is equal to the lowest price offered or published for the entire course, semester, quarter, or term.

(b) The cost of the Veteran student's tuition and fees under a contract shall be offset by—

(1) Any amount of tuition and fees that are waived by a State or other government authority; or

(2) Any amounts the Veteran student receives from a fellowship, scholarship, grant-in-aid, assistantship, or similar award that limits its use to payment of tuition, fees, or other charges that VA normally pays as part of a chapter 31 program.

(c) VA will not pay tuition or incidental fees to institutions or establishments furnishing apprentice or on-the-job training. VA may elect to pay charges or expenses that fall into either of the following categories:

(1) Charges customarily made by a nonprofit workshop or similar establishment for providing work adjustment training to similarly circumstanced non-Veteran students even if the trainee receives an incentive wage as part of the training.

(2) Training expenses incurred by an employer who provides on-the-job training following rehabilitation to the point of employability when VA determines that the additional training is necessary.

831.7001–2 Special services or courses.

Special services or courses are those services or courses that VA requests that are supplementary to those the institution customarily provides for similarly circumstanced non-Veteran students, and that the contracting officer considers them to be necessary for the rehabilitation of the trainee. VA will negotiate the costs/prices of special services or courses prior to ordering them.

831.7001–3 Books, supplies, and equipment required to be personally owned.

(a) *Reimbursement for books, supplies, and equipment.* VA will provide reimbursement for books, equipment, or other supplies of the same variety, quality, or amount that all students taking the same course or courses are customarily required to own personally. VA will provide reimbursement for items that the institution does not specifically require for pursuit of the course if VA determines that such items are needed because of the demands of the course, general possession by other students, and the disadvantage imposed on a Veteran student by not having the item.

(b) *Partial payment agreements.* Agreements in which VA would pay the institution a partial payment with the remainder to be paid by the Veteran student are not authorized.

(c) *Thesis expenses.* The institution's costs in connection with a Veteran student's thesis are considered supplies and are therefore authorized for reimbursement if the Veteran student's committee chairman, major professor, department head, or appropriate dean certifies that the thesis is a course requirement and the expenses are required to complete the thesis. These expenses may include research expenses, typing, printing, microfilming, or otherwise reproducing the required number of copies.

(d) *Reimbursement for books, supplies, and equipment.* Books, supplies, and equipment that the institution purchases specifically for trainees will be reimbursed at the net cost to the institution. The VA shall reimburse the institution for books, supplies, and equipment when these items are—

(1) Issued to students from its own bookstore or supply store;

(2) Issued to students from retail stores or other non-institutionally owned establishments not owned by the contractor/institution but arranged or

designated by them in cooperation with VA; or

(3) Rented or leased books, supplies and equipment and are issued to students for survey classes when it is customary that students are not required to own the books.

(e) *Handling charges.* VA shall reimburse the institution for any handling charges not to exceed more than 10 percent of the allowable charge for the books, equipment or other supplies unless—

(1) The tuition covers the charges for supplies or rentals or a stipulated fee is assessed to all students; or

(2) The handling charge is for Government-owned books that the contractor procures from the Library of Congress.

831.7001–4 Medical services and hospital care.

(a) VA may pay the customary student health fee when payment of the fee is required for similarly circumstanced non-Veteran students. If payment of the fee is not required for similarly circumstanced non-Veteran students, payment may be made if VA determines that payment is in the best interest of the Veteran student and the Government.

(b) When the customary Veteran student's health fee does not cover medical services or hospital care, but these medical services are available in an institution-operated facility or with doctors and hospitals in the immediate area through a prior arrangement, VA may provide reimbursement for these services in a contract for the services if—

(1) An arrangement is necessary to provide timely medical services for Veteran-students attending the facility under provisions of chapter 31; and

(2) The general rates established for medical services do not exceed the rates established by VA.

(c) VA may reimburse a rehabilitation facility for incidental medical services provided during a Veteran student's program at the facility.

831.7001–5 Consumable instructional supplies.

(a) VA will provide reimbursement for consumable instructional supplies that the institution requires for the instruction of all students, Veteran or non-Veteran students, pursuing the same or comparable course or courses when—

(1) The supplies are entirely consumed in the fabrication of a required project; or

(2) The supplies are not consumed but are of such a nature that they cannot be salvaged from the end product for reuse by disassembling or dismantling the end product.

(b) VA will not provide reimbursement for consumable instructional supplies if any of the following apply:

(1) The supplies can be salvaged for reuse.

(2) The supplies are used in a project that the student has elected as an alternate class project to produce an end product of greater value than that normally required to learn the skills of the occupation, and the end product will become the Veteran's property upon completion.

(3) The supplies are used in a project that the institution has selected to provide the student with a more elaborate end product than is required to provide adequate instruction as an inducement to the Veteran student to elect a particular course of study.

(4) The sale value of the end product is equal to or greater than the cost of supplies plus assembly, and the supplies have not been reasonably used so that the supplies are not readily salvaged from the end product to be reused for instructional purposes.

(5) The end product is of permanent value and retained by the institution.

(6) A third party loans the articles or equipment for repair or improvement and the third party would otherwise pay a commercial price for the repair or improvement.

(7) The number of projects resulting in end products exceeds the number normally required to teach the recognized job operations and processes of the occupation stipulated in the approved course of study.

(8) The cost of supplies is included in the charge for tuition or as a fee designated for such purpose.

831.7001–6 Reimbursement for other supplies and services.

VA will provide reimbursement for other services and assistance that may be authorized under applicable provisions of 38 U.S.C. chapter 31 regulations, including, but not limited to, employment and self-employment services, initial and extended evaluation services, and independent living services.

■ 3. Revise part 833 to read as follows

PART 833—PROTESTS, DISPUTES, AND APPEALS

Sec.

Subpart 833.1—Protests

Subpart 833.2—Disputes and Appeals

Authority: 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); 41 U.S.C. 1702; 41 U.S.C. chapter 71; and 48 CFR 1.301–1.304.

Subpart 833.1—Protests

833.103–70 Protests to VA.

(a) Pursuant to FAR 33.103(d)(4), an interested party may protest to the contracting officer or, as an alternative, may request an independent review at a level above the contracting officer as provided in this section. An interested party may also appeal to VA a contracting officer's decision on a protest.

(1) *Protests to the contracting officer.* Protests to the contracting officer shall be in writing and shall be addressed where the offer/bid is to be submitted or as indicated in the solicitation.

(2) *Independent review or appeal of a contracting officer decision—protest filed directly with the agency.*

(i) Protests requesting an independent review a level above the contracting officer, and appeals within VA above the level of the contracting officer, shall be addressed to: Executive Director, Office of Acquisition and Logistics, Risk Management and Compliance Service (RMCS), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420.

(ii) The protest and pertinent documents shall be mailed to the address in paragraph (a)(2)(i) of this section or sent electronically to: *EDProtests@va.gov.*

(3) An independent review of a protest filed pursuant to paragraph (a)(2) of this section will not be considered if the interested party has a protest on the same or similar issues pending with the contracting officer.

(b) The following types of protests may be dismissed by VA without consideration of the merits or may be forwarded to another agency for appropriate action:

(1) *Contract administration.* Disputes between a contractor and VA are resolved under the disputes clause see the Dispute statute, 41 U.S.C. chapter 71.

(2) *Small business size standards and standard industrial classification.* Challenges of established size standards, ownership and control or the size status of particular firm, and challenges of the selected standard industrial

classification are for review solely by the Small Business Administration (SBA) (see 15 U.S.C. 637(b)(6); 13 CFR 121.1002). Pursuant to Public Law 114–328, SBA will also hear cases related to size, status, and ownership and control challenges under the VA Veterans First Contracting Program (see 38 U.S.C. 8127(f)(8).)

(3) *Small business certificate of competency program.* A protest made under section 8(b)(7) of the Small Business Act, or in regard to any issuance of a certificate of competency or refusal to issue a certificate under that section, is not reviewed in accordance with bid protest procedures unless there is a showing of possible fraud or bad faith on the part of Government officials.

(4) *Protests under section 8(a) of the Small Business Act.* The decision to place or not to place a procurement under the 8(a) program is not subject to review unless there is a showing of possible fraud or bad faith on the part of Government officials or that regulations may have been violated (see 15 U.S.C. 637(a)).

(5) *Affirmative determination of responsibility by the contracting officer.* An affirmative determination of responsibility will not be reviewed unless there is a showing that such determination was made fraudulently or in bad faith or that definitive responsibility criteria in the solicitation were not met.

(6) *Contracts for materials, supplies, articles, and equipment exceeding $15,000.* Challenges concerning the legal status of a firm as a regular dealer or manufacturer within the meaning of 41 U.S.C. chapter 65 are determined solely by the procuring agency, the SBA (if a small business is involved), and the Secretary of Labor (see FAR subpart 22.6).

(7) *Subcontractor protests.* The contracting agency will not consider subcontractor protests except where VA determines it is in the interest of the Government.

(8) *Judicial proceedings.* The contracting agency will not consider protests where the matter involved is the subject of litigation before a court of competent jurisdiction.

(c) *Alternative dispute resolution.* Bidders/offerors and VA contracting officers are encouraged to use alternative dispute resolution (ADR) procedures to resolve protests at any stage in the protest process. If ADR is used, VA will not furnish any documentation in an ADR proceeding beyond what is allowed by the FAR.

(d) *Appeal of contracting officer's protest decision—agency appellate review.* An interested party may request an independent review of a contracting officer's protest decision by filing an appeal in accordance with paragraph (a)(2) of this section.

(1) To be considered timely, the appeal must be received by the cognizant official in paragraph (a)(2) of this section within 10 calendar days of the date the interested party knew, or should have known, whichever is earlier, of the basis for the appeal.

(2) Appeals do not extend GAO's timeliness requirements for protests to GAO. By filing an appeal as provided in this paragraph, an interested party may waive its rights to further protest to the Comptroller General at a later date.

(3) Agency responses to appeals submitted to the agency shall be reviewed and concurred in by the Office of the General Counsel (OGC).

833.106–70 Solicitation provisions.

(a) The contracting officer shall insert the provision at 852.233–70, Protest Content/Alternative Dispute Resolution, in solicitations expected to exceed the simplified acquisition threshold, including those for commercial items.

(b) The contracting officer shall insert the provision at 852.233–71, Alternate Protest Procedure, in solicitations expected to exceed the simplified acquisition threshold, including those for commercial items.

Subpart 833.2—Disputes and Appeals

833.209 Suspected fraudulent claims.

The contracting officer must refer matters relating to suspected fraudulent claims to the Office of Inspector General for investigation and potential referral to the Department of Justice. The contracting officer may not initiate any collection, recovery, or other settlement action while the matter is in the hands of the Department of Justice without first obtaining the concurrence of the U.S. Attorney concerned, through the Office of the Inspector General.

833.211 Contracting officer's decision.

(a) For purposes of appealing a VA contracting officer's final decision, the Board of Contract Appeals referenced in FAR 33.211(a) and elsewhere in this subpart is the Civilian Board of Contract Appeals (CBCA), 1800 F Street NW, Washington, DC 20405.

833.213 Obligation to continue performance.

(a) As provided in FAR 33.213, contracting officers shall use FAR clause 52.233–1, Disputes, with its Alternate I. FAR clause 52.233–1 requires the contractor to continue performance in accordance with the contracting officer's decision in the event of a claim arising *under* a contract. Alternate I expands this authority, adding a requirement for the contractor to continue performance in the event of a claim *relating* to the contract.

(b) In the event of a dispute not arising under, but relating to, the contract, as permitted by FAR 33.213(b), if the contracting officer directs continued performance and considers providing financing for such continued performance, the contracting officer shall contact OGC for advice prior to requesting higher level approval for or authorizing such financing. The contracting officer shall document in the contract file any required approvals and how the Government's interest was properly secured with respect to such financing (see FAR 32.202–4 and VAAR subpart 832.2).

833.214 Alternative dispute resolution (ADR).

Contracting officers and contractors are encouraged to use alternative dispute resolution (ADR) procedures. Guidance on ADR may be obtained at the U.S. Civilian Board of Contract Appeals website: *http://www.cbca.gsa.gov.*

833.215 Contract clauses.

The contracting officer shall use the clause at 52.233–1, Disputes, with its Alternate I (see 833.213).

PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 4. The authority citation for part 852 continues to read as follows:

Authority: 38 U.S.C. 8127–8128, and 8151–8153; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); 41 U.S.C. 1303; 41 U.S.C 1702; and 48 CFR 1.301–1.304.

Subpart 852.2—Texts of Provisions and Clauses

■ 5. The heading of subpart 852.2 is revised to read ''Text of Provisions and Clauses.''

■ 6. Section 852.233–70 is revised to read as follows:

852.233–70 Protest Content/Alternative Dispute Resolution.

As prescribed in 833.106–70(a), insert the following provision:

Protest Content/Alternative Dispute Resolution (Date)

(a) Any protest filed by an interested party shall—

(1) Include the name, address, fax number, email and telephone number of the protester;

(2) Identify the solicitation and/or contract number;

(3) Include an original signed by the protester or the protester's representative and at least one copy;

(4) Set forth a detailed statement of the legal and factual grounds of the protest, including a description of resulting prejudice to the protester, and provide copies of relevant documents;

(5) Specifically request a ruling of the individual upon whom the protest is served;

(6) State the form of relief requested; and

(7) Provide all information establishing the timeliness of the protest.

(b) Failure to comply with the above may result in dismissal of the protest without further consideration.

(c) Bidders/offerors and contracting officers are encouraged to use alternative dispute resolution (ADR) procedures to resolve protests at any stage in the protest process. If ADR is used, the Department of Veterans Affairs will not furnish any documentation in an ADR proceeding beyond what is allowed by the Federal Acquisition Regulation.

(End of Provision)

■ 7. Section 852.233–71 is revised to read as follows:

852.233–71 Alternate Protest Procedure.

As prescribed in 833.106–70(b), insert the following provision:

Alternate Protest Procedure (Date)

(a) As an alternative to filing a protest with the contracting officer, an interested party may file a protest by mail or electronically with: Executive Director, Office of Acquisition and Logistics, Risk Management and Compliance Service (003A2C), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, *Email: EDProtests@va.gov*.

(b) The protest will not be considered if the interested party has a protest on the same or similar issue(s) pending with the contracting officer.

(End of Provision)

PART 871—LOAN GUARANTY AND VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAMS

■ 8. The authority citation for part 871 is revised to read as follows:

Authority: 38 U.S.C. Chapter 31; 40 U.S.C. 121(c); 41 U.S.C. 1121(c)(3); 41 U.S.C. 1702; and 48 CFR 1.301–1.304.

Subpart 871.2—Vocational Rehabilitation and Employment Service

■ 9. Amend section 871.201–1 by revising the introductory text and paragraph (b) to read as follows:

871.201–1 Requirements for the use of contracts.

The costs for tuition, fees, books, supplies, and other expenses are allowable under a contract with an institution, training establishment, or employer for the training and rehabilitation of eligible Veterans under 38 U.S.C. chapter 31, provided the services meet the conditions in the following definitions:

* * * * *

(b) *Special services or special courses.* Special services or courses are those services or courses that VA requests that are supplementary to those the institution customarily provides for similarly circumstanced non-Veteran students and that the contracting officer considers to be necessary for the rehabilitation of the trainee.

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DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 844 and 845

RIN 2900–AQ05

Revise and Streamline VA Acquisition Regulation—Parts 844 and 845

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend and update its VA Acquisition Regulation (VAAR) in phased increments to revise or remove any policy that has been superseded by changes in the Federal Acquisition Regulation (FAR), to remove any procedural guidance that is internal to the VA into the VA Acquisition Manual (VAAM), and to incorporate new regulations or policies. These changes seek to streamline and align the VAAR with the FAR and remove outdated and duplicative requirements and reduce burden on contractors. The VAAM incorporates portions of the removed VAAR as well as other internal agency acquisition policy. VA will rewrite certain parts of the VAAR and VAAM, and as VAAR parts are rewritten, we'll publish them in the **Federal Register**. VA will combine related topics, as appropriate. In particular, this rulemaking revises VAAR Parts 844—Subcontracting Policies and Procedures, and Part 845—Government Property.

DATES: Comments must be received on or before June 5, 2018 to be considered in the formulation of the final rule.

ADDRESSES: Written comments may be submitted through *www.Regulations.gov*; by mail or hand-delivery to Director, Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue NW, Room 1063B, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to ''RIN 2900–AQ05—Revise and Streamline VA Acquisition Regulation Parts 844 and 845).'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Rafael Taylor, Senior Procurement Analyst, Procurement Policy and Warrant Management Services, 003A2A, 425 I Street NW, Washington, DC 20001, (202) 382–2787. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION:

Background

This rulemaking is issued under the authority of the Office of Federal Procurement Policy (OFPP) Act, which provides the authority for an agency head to issue agency acquisition regulations that implement or supplement the FAR.

VA is proposing to revise the VAAR to add new policy or regulatory requirements and to remove any redundant guidance and guidance that is applicable only to VA's internal operating processes or procedures. Codified acquisition regulations may be amended and revised only through rulemaking. All amendments, revisions, and removals have been reviewed and concurred with by VA's Integrated Product Team of agency stakeholders.

The VAAR uses the regulatory structure and arrangement of the FAR and headings and subject areas are consistent with FAR content. The VAAR is divided into subchapters, parts (each of which covers a separate aspect of acquisition), subparts, sections, and subsections.

The Office of Federal Procurement Policy Act, as codified in 41 U.S.C. 1707, provides the authority for the Federal Acquisition Regulation and for the issuance of agency acquisition regulations consistent with the FAR.

When Federal agencies acquire supplies and services using appropriated funds, the purchase is governed by the FAR, set forth at Title 48 Code of Federal Regulations (CFR), chapter 1, parts 1 through 53, and the agency regulations that implement and supplement the FAR. The VAAR is set

forth at Title 48 CFR, chapter 8, parts 801 to 873.

Discussion and Analysis

The VA proposes to make the following changes to the VAAR in this phase of its revision and streamlining initiative. For procedural guidance cited below that is proposed to be deleted from the VAAR, each section cited for removal has been considered for inclusion in VA's internal agency operating procedures in accordance with FAR 1.301(a)(2). Similarly, delegations of authorities that are removed from the VAAR will be included in the VA Acquisition Manual (VAAM) as internal agency guidance. The VAAM is being created in parallel with these revisions to the VAAR and is not subject to the rulemaking process as they are internal VA procedures and guidance. Therefore, the VAAM will not be finalized until corresponding VAAR parts are finalized, and is not yet available on line.

VAAR Part 844—Subcontracting Policies and Procedures

We propose to add part 844 to the VAAR. The authorities to be cited are: 40 U.S.C. 121(c) and 41 U.S.C. 1702, which address the overall direction of procurement policy, acquisition planning and management responsibilities of VA's Chief Acquisition Officer; and 48 CFR 1.301–1.304, which is the delegation of authority for agencies to issue regulations that implement and supplement the FAR.

This new part 844, Subcontracting Policies and Procedures, implements FAR part 44 by making public VA's additional requirements for providing its consent to subcontract, items that should be evaluated as a part of a Contractor's Purchasing Systems Review (CPSR), and establishing that contractors should determine whether subcontract items meet the FAR definition of a commercial item. Under this new part, we propose to add subpart 844.2, Consent to Subcontracts, and section 844.202–2, Considerations. We propose to add one paragraph to this section, (a)(14), which would require, before a contracting officer consents to a subcontract where other than the lowest price is the basis for selection, that the contractor has substantiated the selection as being fair, reasonable, and representing the best value to the Government.

We propose to add subpart 844.3, Contractor's Purchasing Systems Reviews, and section 844.303, Extent of review. We included three paragraphs to this section, paragraphs (f), (l), and (m). The paragraphs included in this section would require that contractor purchasing system reviews focus special attention, respectively, on:

Policies and procedures pertaining to the use of VA-verified Service-Disabled Veteran-Owned Small Businesses (SDVOSBs) and Veteran-Owned Small Businesses (VOSBs) and utilization in accordance with subpart 819.70 and the Veterans First Contracting Program;

Documentation of commercial item determinations to ensure compliance with the definition of ''commercial item'' in FAR 2.101; and

For acquisitions involving electronic parts, whether the contractor has implemented a counterfeit electronic part detection and avoidance system to ensure that counterfeit electronic parts do not enter the supply chain.

We propose to add subpart 844.4, Subcontracts for Commercial Items and Commercial Components, and section 844.402, Policy requirements. Under section 844.402, we add paragraph ''(a)(3)'' which would require that contractors determine whether a particular subcontract item meets the FAR definition of a commercial item. This requirement does not affect the contracting officer's responsibilities or determinations made under FAR 15.403–1(c)(3).

VAAR Part 845—Government Property

We propose to add subpart 845.4, Title to Government Property. The authorities to be cited are: 40 U.S.C. 121(c) which provides that the Administrator of the General Services Administration may prescribe regulations to carry out responsibilities under the Federal Property and Administrative Services subtitle of Title 40, and, additionally, that the head of each executive agency shall issue orders and directives that the agency head considers necessary to carry out the prescribed regulations issued by the Administrator; and 41 U.S.C. 1702, which address the overall direction of procurement policy, acquisition planning and management responsibilities of VA's Chief Acquisition Officer; and 48 CFR 1.301–1.304, which is the delegation of authority for agencies to issue regulations that implement and supplement the FAR.

We propose to add section 845.402, Title to contractor-acquired property (no text), and section, 845.402–70, Policy. This implements and supplements the FAR by addressing procedures for contractors to document their acquisition of property for use in the service of VA contracts; to address the transfer of title to the Government of contractor-acquired property; and to outline the procedures for the use of such property on a successor contract. This new section proposes the following:

Paragraph (a) would provide that, for other than firm-fixed-price contracts, contractor-acquired property items not anticipated at time of contract award, or not otherwise specified for delivery on an existing line item, would be delivered to the Government on a contract line item. The value of that item would be recorded at the original purchase cost or best estimate.

Paragraph (b) would provide that, upon delivery and acceptance by the Government of contractor-acquired property items, and when retained by the contractor for continued use under a successor contract, such items would become Government-furnished property (GFP). The items would be added to the successor contract as GFP by contract modification.

Paragraph (c) would provide that individual contractor-acquired property items would be recorded in the contractor's property management system at the contractor's original purchase cost or best estimate.

Paragraph (d) would provide that all other contractor inventory that is excess to the needs of the contract would be disposed of in accordance with FAR subpart 45.6.

Effect of Rulemaking

Title 48, Federal Acquisition Regulations System, Chapter 8, Department of Veterans Affairs, of the Code of Federal Regulations, as proposed to be revised by this rulemaking, would represent VA's implementation of its legal authority and publication of the Department of Veterans Affairs Acquisition Regulation (VAAR) for the cited applicable parts. Other than future amendments to this rule or governing statutes for the cited applicable parts, or as otherwise authorized by approved deviations or waivers in accordance with Federal Acquisition Regulation (FAR) subpart 1.4, Deviations from the FAR, and as implemented by VAAR subpart 801.4, Deviations from the FAR or VAAR, no contrary guidance or procedures would be authorized. All existing or subsequent VA guidance would be read to conform with the rulemaking if possible or, if not possible, such guidance would be superseded by this rulemaking as pertains to the cited applicable VAAR parts.

Executive Orders 12866, 13563 and 13771

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits of reducing costs, of harmonizing rules, and of promoting flexibility. E.O. 12866, Regulatory Planning and Review, defines ''significant regulatory action'' to mean any regulatory action that is likely to result in a rule that may: ''(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.''

VA has examined the economic, interagency, budgetary, legal, and policy implications of this regulatory action, and it has been determined not to be a significant regulatory action under E.O. 12866.

VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm* by following the link for VA Regulations Published from FY 2004 Through Fiscal Year to Date.

This proposed rule is not expected to be an E.O. 13771 regulatory action because this proposed rule is not significant under E.O. 12866.

Paperwork Reduction Act

This proposed rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

This proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The overall impact of the proposed rule would be of benefit to small businesses owned by Veterans or service-disabled Veterans as the VAAR is being updated to remove extraneous procedural information that applies only to VA's internal operating procedures. VA is merely adding existing and current regulatory requirements to the VAAR and removing any guidance that is applicable only to VA's internal operation processes or procedures. VA estimates no cost impact to individual business would result from these rule updates. This rulemaking does not change VA's policy regarding small businesses, does not have an economic impact to individual businesses, and there are no increased or decreased costs to small business entities. On this basis, the proposed rule would not have an economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Therefore, under 5 U.S.C. 605(b), this regulatory action is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal Governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This proposed rule would have no such effect on State, local, and tribal Governments or on the private sector.

List of Subjects

48 CFR Part 844

Government procurement, Reporting and recordkeeping requirements.

48 CFR Part 845

Government procurement, Government property, Reporting and recordkeeping requirements.

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. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs approved this document on October 20, 2017, for publication.

Dated: February 22, 2018.

Consuela Benjamin,

Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

■ For the reasons set out in the preamble, VA proposes to amend 48 CFR, chapter 8 by adding parts 844 and 845 to read as follows:

PART 844—SUBCONTRACTING POLICIES AND PROCEDURES

Sec.

Authority: 40 U.S.C. 121(c); 41 U.S.C. 1702 and 48 CFR 1.301–1.304.

Subpart 844–2—Consent to Subcontracts

844.202–2 Considerations.

(a)(14) Where other than lowest price is the basis for subcontractor selection, has the contractor adequately substantiated the selection as being fair, reasonable, and representing the best value to the Government?

Subpart 844.3—Contractors' Purchasing Systems Reviews

844.303 Extent of review.

(f) Policies and procedures pertaining to the use of VA-verified Service-Disabled Veteran-Owned Small Businesses (SDVOSBs) and Veteran-Owned Small Businesses (VOSBs) and utilization in accordance with subpart 819.70 and the Veterans First Contracting Program.

(l) Documentation of commercial item determinations to ensure compliance with the definition of ''commercial item'' in FAR 2.101; and

(m) For acquisitions involving electronic parts, that the contractor has implemented a counterfeit electronic part detection and avoidance system to ensure that counterfeit electronic parts do not enter the supply chain.

Subpart 844.4—Subcontracts for Commercial Items and Commercial Components

844.402 Policy requirements.

(a)(3) Determine whether a particular subcontract item meets the definition of a commercial item. This requirement does not affect the contracting officer's responsibilities or determinations made under FAR 15.403–1(c)(3).

PART 845—GOVERNMENT PROPERTY

Sec.

Subpart 845.4—Title to Government Property

Authority: 40 U.S.C. 121(c); 41 U.S.C. 1702 and 48 CFR 1.301–1.304.

Subpart 845.4—Title to Government Property

845.402 Title to contractor-acquired property.

845.402–70 Policy.

(a) For other than firm-fixed-price contracts, contractor-acquired property items not anticipated at time of contract award, or not otherwise specified for delivery on an existing line item, shall, by means of a contract modification, be specified for delivery to the Government on an added contract line item. The value of such contractor-acquired property item shall be recorded at the original purchase cost. Unless otherwise noted by the contractor at the time of delivery to the Government, the placed-in-service date shall be the date of acquisition or completed manufacture, if fabricated.

(b) Following delivery and acceptance by the Government of contractor-acquired property items, if these items are to be retained by the contractor for continued use under a successor contract, these items become Government-furnished property (GFP). The items shall be added to the successor contract as GFP by contract modification.

(c) Individual contractor-acquired property items should be recorded in the contractor's property management system at the contractor's original purchase cost.

(d) All other contractor inventory that is excess to the needs of the contract shall be disposed of in accordance with FAR subpart 45.6.

[FR Doc. 2018–04004 Filed 4–5–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2018–0010; 4500030113]

RIN 1018–BD06

Endangered and Threatened Wildlife and Plants; Section 4(d) Rule for Louisiana Pinesnake

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose a rule under section 4(d) of the Endangered Species Act for the Louisiana pinesnake (*Pituophis ruthveni*), a reptile from Louisiana and Texas. This rule would provide measures to protect the species.

DATES: We will accept comments received or postmarked on or before May 7, 2018. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by April 23, 2018.

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

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R4–ES–2018–0010, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R4–ES–2018–0010, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

FOR FURTHER INFORMATION CONTACT: Joseph Ranson, Field Supervisor, U.S. Fish and Wildlife Service, Louisiana Ecological Services Office, 646 Cajundome Blvd., Suite 400, Lafayette, LA; telephone 337–291–3113. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Previous Federal Actions

On October 6, 2016, the Service, under the authority of the Endangered Species Act, as amended (''Act''; 16 U.S.C. 1531 *et seq.*), published in the **Federal Register** a proposed rule to add the Louisiana pinesnake (*Pituophis ruthveni*), a reptile from Louisiana and Texas, as a threatened species to the List of Endangered and Threatened Wildlife (81 FR 69454). The List of Endangered and Threatened Wildlife is in title 50 of the Code of Federal Regulations in part 17 (50 CFR 17.11(h)). The proposed listing rule had a 60-day comment period, ending on December 5, 2016. Then, on October 6, 2017, the Service published in the **Federal Register** a document that reopened the comment period on the proposed rule and announced that we were extending by 6 months the 1-year period for making a final determination on the proposed rule to list the Louisiana pinesnake as a threatened species (82 FR 46748). In accordance with section 4(b)(6)(A)(i)(III) of the Act, this extension was based on our finding that there was substantial disagreement regarding available information related to the interpretation of the available survey data used to determine the Louisiana pinesnake's status and trends. The second comment period closed November 6, 2017. No public hearing was requested or held in response to publication of these documents.

Elsewhere in this issue of the **Federal Register**, we publish a final rule for the 2016 proposed listing rule for the Louisiana pinesnake as a threatened species. For a complete list of previous Federal actions related to this species as well as information on its taxonomy, habitat, life history, historical and current distribution, population estimates and status, and a summary of factors affecting the species, see that proposed rule (81 FR 69454, October 6, 2016).

Background

The primary habitat feature that contributes to the conservation of the Louisiana pinesnake is open-canopy forest situated on well-drained sandy soils with an abundant herbaceous plant community that provides forage for the Baird's pocket gopher *(Geomys breviceps),* which is the snake's primary known source of food. In addition, Baird's pocket gopher burrows are the

primary known source of shelter for the Louisiana pinesnake. As discussed in the, proposed listing rule, one of the primary threats to the Louisiana pinesnake is the continuing loss and degradation of the open pine forest habitat that supports the Baird's pocket gopher. In the types of sandy soil in which the Louisiana pinesnake and pocket gopher are found (Wagner et al. 2014, p. 152 ; Duran 2010, p. 11; Davis et al. 1938, p. 414), the pocket gopher creates burrows at an average depth of about 18 centimeters (cm) (7 inches (in)) (Wagner et al. 2015, p. 54).

One of the primary features of suitable pocket gopher habitat is a diverse herbaceous (non-woody) plant community with an adequate amount of forbs (non-grass herbaceous vegetation) that provide forage for the pocket gopher. Louisiana pinesnakes and pocket gophers are known to be highly associated (Ealy et al. 2004, p. 389) and occur together in areas with herbaceous vegetation, a nonexistent or sparse midstory, and a low pine basal area (Rudolph and Burgdorf 1997, p. 117; Himes et al. 2006, pp. 110, 112; Wagner et al. 2017, p. 22). In a study of pocket gophers in a Louisiana forest system managed according to guidelines for red-cockaded woodpecker (*Picoides borealis*) habitat, it was shown that pocket gopher selection of habitat increased with increasing forb cover and decreased with increasing midstory stem density and midstory pine basal area (Wagner et al. 2017, p. 11). Few (less than 25 percent) sites used by pocket gophers had less than 18 percent coverage by forbs alone (Wagner et al. 2017, p. 22). Use by pocket gophers is also inhibited by increased midstory stem density and midstory pine basal area even when herbaceous vegetation is present (Wagner et al. 2017, pp. 20, 22, 25). Pocket gophers used areas with higher densities of trees much less frequently than areas with fewer stems, presumably because of greater root mass, which reduces burrowing efficiency (Wagner et al. 2017, pp. 11, 22).

One of the main causes of the degradation of this habitat is the decline in or absence of fire. Fire was the primary source of historical disturbance and maintenance, and prescribed fire is currently known to reduce midstory and understory hardwoods and promote abundant herbaceous groundcover in the natural communities of the longleaf dominant pine ecosystem where the Louisiana pinesnake most often occurs. In the absence of regularly recurring, unsuppressed fires, open pine forest habitat requires active management activities essentially the same as those required to produce and maintain red-cockaded woodpecker foraging habitat. Those activities, such as thinning, prescribed burning, reforestation and afforestation, midstory woody vegetation control, herbaceous vegetation (especially forbs) enhancement, and harvest (particularly in stands that require substantial improvement) are necessary to maintain or restore forests to the conditions that are suitable (as described in the preceding paragraph) for pocket gophers and Louisiana pinesnakes.

Establishment and management of open pine forests beneficial to the Louisiana pinesnake has been occurring on some privately owned land in Louisiana and Texas Additionally, throughout the range of the Louisiana pinesnake, Federal and State agencies have developed conservation efforts, which have provided a conservation benefit to the species. Increased efforts, however, are necessary on both public and private lands to address continued habitat loss, degradation, and fragmentation, one of the species' primary threats across its entire range, and it is the intent of this proposed rule to encourage these increased efforts.

In the proposed listing rule (81 FR 69454, October 6, 2016), we solicited public comments as to which prohibitions, and exceptions to those prohibitions, are necessary and advisable to provide for the conservation of the Louisiana pinesnake. During the public comment periods on the proposed listing rule (81 FR 69454, October 6, 2016; 82 FR 46748, October 6, 2017), we received comments expressing concern that, when the species is listed under the Act, certain beneficial forest management activities on private land could be considered takings in violation of section 9(a)(1) of the Act or its implementing regulations, and would thus be regulated.

The Service intends to strongly encourage the continuation and increased implementation of forest management activities—thinning, prescribed fire, and mid- and understory woody vegetation control in particular—that promote open canopy forest and herbaceous vegetation growth, which are beneficial to the Louisiana pinesnake. In recognition of efforts that provide for conservation and management of the Louisiana pinesnake and its habitat in a manner consistent with the purposes of the Act, as discussed in more detail below, we are now proposing a rule under section 4(d) of the Act that identifies situations in which take resulting from actions that provide for conservation and management of the Louisiana pinesnake would not be prohibited. Information about section 4(d) of the Act is set forth below in Provisions of Section 4(d) of the Act.

Our goal is to strongly encourage continuation and increased implementation of these beneficial practices. Nevertheless, if activities could cause subsurface ground disturbance that can directly harm or kill Louisiana pinesnakes inhabiting pocket gopher burrows, or inhibit the persistence of suitable pocket gopher and Louisiana pinesnake habitat, as described above, they would be subject to the section 9 take prohibitions in certain occupied habitat areas, specifically areas known as Louisiana pinesnake estimated occupied habitat areas (EOHAs). These areas have been the site of recorded occurrences of Louisiana pinesnakes, and they are considered by the Service to be occupied by the species (see the proposed listing rule). This regulation would also apply to any EOHAs that are identified in the future, because activities in such areas could be detrimental to maintenance and development of suitable habitat conditions critical to this species and are more likely to affect the Louisiana pinesnake directly.

Provisions of Section 4(d) of the Act

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

proposed rule would apply those same prohibitions to the Louisiana pinesnake with some exceptions.

The regulations implementing the ESA include a provision that generally applies to threatened wildlife the same prohibitions and exceptions that apply to endangered wildlife (50 CFR 17.31(a), 17.32), in accordance with section 4(d) of the Act. For any species, the Service may instead develop a protective regulation that is specific to the conservation needs of that species. Such a regulation would contain all of the protections applicable to that species (50 CFR 17.31(c)); this may include some of the general prohibitions and exceptions under 50 CFR 17.31 and 17.32, but would also include protections that are tailored to the specific conservation needs of the threatened species and may be more or less restrictive than the general provisions at 50 CFR 17.31.

The courts have recognized the extent of the Secretary's discretion to develop prohibitions, as well as exclusions from those prohibitions, that are appropriate for the conservation of a species. For example, the Secretary may decide not to prohibit take, or to put in place only limited take prohibitions. See *Alsea Valley Alliance* v. *Lautenbacher,* 2007 U.S. Dist. Lexis 60203 (D. Or. 2007); *Washington Environmental Council* v. *National Marine Fisheries Service,* 2002 U.S. Dist. Lexis 5432 (W.D. Wash. 2002). In addition, as affirmed in *State of Louisiana* v. *Verity,* 853 F.2d 322 (5th Cir. 1988), the protective regulation for a species need not address all the threats to the species. As noted by Congress when the Act was initially enacted, ''once an animal is on the threatened list, the Secretary has an almost infinite number of options available to him with regard to the permitted activities for those species. He may, for example, permit taking, but not importation of such species,'' or he may choose to forbid both taking and importation but allow the transportation of such species, as long as the measures will ''serve to conserve, protect, or restore the species concerned in accordance with the purposes of the Act'' (H.R. Rep. No. 412, 93rd Cong., 1st Sess. 1973).

Proposed 4(d) Rule for the Louisiana Pinesnake

Under this proposed section 4(d) rule, except as noted below, all prohibitions and provisions of 50 CFR 17.31 and 17.32 would apply to the Louisiana pinesnake.

Outside of any known EOHAs, the following management activities would not be subject to the general prohibitions at 50 CFR 17.31:

(1) Forestry activities, including tree thinning, harvest (including clearcutting), planting and replanting pines, as well as other silvicultural practices outlined below, that maintain lands in forest land use and that result in the establishment and maintenance of open pine canopy conditions through time across the landscape.

(2) Prescribed burning, including all firebreak establishment and maintenance actions, as well as actions taken to control wildfires.

(3) Herbicide application that is generally targeted for invasive plant species control and midstory and understory woody vegetation control, but is also used for site preparation when applied in a manner that minimizes long-term impact to noninvasive herbaceous vegetation. These provisions include only herbicide applications conducted in a manner consistent with Federal and applicable State laws, including Environmental Protection Agency label restrictions and herbicide application guidelines as prescribed by manufacturers.

Although these management activities may result in some minimal level of harm or temporary disturbance to the Louisiana pinesnake, overall, these activities benefit the pinesnake by contributing to conservation and recovery. With adherence to the three limitations described in the preceding paragraph these activities will have a net beneficial effect on the species by encouraging active forest management that creates and maintains the herbaceous plant conditions needed to support the persistence of Baird's pocket gopher populations, which is essential to the long-term viability and conservation of the Louisiana pinesnake. This is a reasonable conclusion and therefore meets the standard for applying endangered-species prohibitions to threatened species under the second sentence of section 4(d) of the Act (16 U.S.C. 1533(d) (''The Secretary may by regulation prohibit with respect to any threatened species any act prohibited under section 1538(a)(1) of this title . . . with respect to endangered species.'')). Moreover, even if the ''necessary and advisable'' standard in the first sentence of section 4(d) applied to regulations adopting endangered-species prohibitions for a threatened species, we would find that adopting these prohibitions meets that standard.

These provisions are necessary because, absent protections, the species is likely to become in danger of extinction in the foreseeable future. Applying the prohibitions of the Act will minimize threats that could cause further declines in the status of the species. Additionally, these provisions are advisable because the species needs active conservation to improve the quality of its habitat. By exempting some of the prohibitions, these provisions can encourage cooperation by landowners and other affected parties in implementing conservation measures. This will allow for use of the land while at the same time ensuring the preservation of suitable habitat and minimizing impact on the species.

When practicable and to the extent possible, the Service encourages managers to conduct such activities in a manner to maintain suitable Louisiana pinesnake habitat in large tracts; minimize ground and subsurface disturbance; and promote a diverse, abundant herbaceous groundcover. Prescribed fire is an important tool to effectively manage open-canopy pine habitats to establish and maintain suitable conditions for the Louisiana pinesnake, and the Service strongly encourages its use over other methods (mechanical or chemical) wherever practicable. The Service also encourages managers, when practicable and to the extent possible, to (1) enroll their lands into third-party forest certification programs such as the Sustainable Forest Initiative, Forest Stewardship Council, and American Tree Farm System; and (2) conduct such activities using best management practices as described and implemented through such programs, or by others such as State forestry agencies, the U.S. Department of Agriculture (the Forest Service's Forest Stewardship Program or the Natural Resources Conservation Service's Conservation Practices Manual), or the U.S. Fish and Wildlife Service's Partners for Fish and Wildlife Program.

As noted above, the management activities discussed above are not subject to the general prohibitions at 50 CFR 17.31 outside of known EOHAs. Within any known EOHAs on lands with suitable or preferable soils that are forested, undeveloped, or non-farmed (*i.e.,* not cultivated on an annual basis) and adjacent to forested lands, the management activities discussed above would also not be subject to the general prohibitions at 50 CFR 17.31, but only provided the following additional conditions are met:

(a) Those activities do not cause subsurface disturbance including, but not limited to, wind-rowing, stumping, disking (except during firebreak creation or maintenance), root-raking, drum chopping, below-ground shearing, and bedding. In highly degraded areas with

no herbaceous vegetation, subsurface disturbance shall be limited to that less than 4 in (10 cm) in depth; and

(b) Those activities do not inhibit the persistence of suitable pocket gopher and Louisiana pinesnake habitat.

These additional conditions on when the prohibitions would not apply within known EOHAs are reasonable because the actual likelihood of encountering individuals of the species is higher within the EOHAs. For the same reason, even if the ''necessary and advisable'' standard is applied to regulations adopting endangered-species prohibitions for a threatened species, we would find that adopting these more narrow prohibitions is necessary and advisable.

Anyone undertaking activities that are not covered by the provisions, including the additional conditions, and may result in take would need to: (1) ensure, in consultation with the Service are not likely to jeopardize the continued existence of the species (where the entity is a Federal agency or there is a Federal nexus), or (2) obtain a permit before proceeding with the activity (if there is no Federal nexus). A map of the currently known EOHAs is found in the proposed listing rule (81 FR 69461, October 6, 2016). The Service intends to update maps identifying the locations of Louisiana pinesnake EOHAs and make them available to the public in the docket on *www.regulations.gov* as new information becomes available. Alternatively, you may contact the Louisiana Ecological Services Field Office (see **ADDRESSES**).

Based on the explanations above, the prohibitions under section 9(a)(1) would apply to the Louisiana pinesnake, with specific exemptions tailored to the conservation of the species. Nothing in this proposed 4(d) rule would change in any way the recovery planning provisions of section 4(f) and consultation requirements under section 7 of the Act or the ability of the Service to enter into partnerships for the management and protection of the Louisiana pinesnake.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition of a species through listing it results in public awareness, and leads Federal, State, Tribal, and local agencies, private organizations, and individuals to undertake conservation. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species. Information about the protection required by Federal agencies, and the prohibitions against certain activities, and recovery planning and implementation and interagency consultation, are discussed in the proposed and final listing rules.

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

As described in the final listing rule, it is our policy to identify, to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a proposed listing on proposed and ongoing activities within the range of the species proposed for listing. Since the Louisiana pinesnake is a threatened species subject to the protections outlined in both section 9(a)(1) of the Act and this proposed rule, we are identifying those activities that would or would not constitute a violation of either section 9(a)(1) or this proposed rule. Based on the best available information, the following activities may potentially result in a violation of section 9 of the Act or this proposed rule; this list is not comprehensive:

(1) Unauthorized collecting, handling, possessing, selling, delivering, carrying, or transporting of the Louisiana pinesnake, including interstate transportation across State lines and import or export across international boundaries, except for properly documented antique specimens of these taxa at least 100 years old, as defined by section 10(h)(1) of the Act.

(2) Introduction of nonnative animal species that compete with or prey upon the Louisiana pinesnake.

(3) Introduction of invasive plant species that contribute to the degradation of the natural habitat of the Louisiana pinesnake.

(4) Unauthorized destruction or modification of suitable occupied Louisiana pinesnake habitat that results in damage to or alteration of desirable herbaceous (non-woody) vegetation or the destruction of Baird's pocket gopher burrow systems used as refugia by the Louisiana pinesnake, or that impairs in other ways the species' essential behaviors such as breeding, feeding, or sheltering.

(5) Unauthorized use of insecticides and rodenticides that could impact small mammal prey populations, through either unintended or direct impacts within habitat occupied by Louisiana pinesnakes.

(6) Unauthorized actions that would result in the destruction of eggs or cause mortality or injury to hatchling, juvenile, or adult Louisiana pinesnakes.

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

Under regulations codified at 50 CFR 17.32, we may issue permits to carry out otherwise prohibited activities involving threatened wildlife under certain circumstances, including the following: Scientific purposes, to enhance the propagation or survival of the species, economic hardship, zoological exhibition, and incidental take in connection with otherwise lawful activities. There are also certain statutory exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

Information Requested

We intend that any final action resulting from this proposal will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from the public, other concerned governmental agencies, Native American tribes, the scientific community, industry, or any other interested parties concerning the proposed section 4(d) rule. We will consider all comments and information received during our preparation of a final 4(d) rule. Accordingly, our final decision may differ from this proposal based on specific public comments or any other new information that may become available.

We particularly seek comments concerning:

(1) Information concerning the appropriateness and scope of a 4(d) rule for the Louisiana pinesnake. We are

particularly interested in input from forestry experts regarding forest management, restoration practices, or related activities, along with the value of certified forestry practices and best management practices, that would be appropriately addressed through a 4(d) rule.

(2) Additional provisions the Service may wish to consider for a 4(d) rule in order to manage and conserve the Louisiana pinesnake.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made ''solely on the basis of the best scientific and commercial data available.''

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Louisiana Ecological Services Office (see **FOR FURTHER INFORMATION CONTACT**).

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

(2) Use the active voice to address readers directly;

(3) Use clear language rather than jargon;

(4) Be divided into short sections and sentences; and

(5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

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

We intend to undertake an environmental assessment of this action under the authority of the National Environmental Policy Act of 1969. We will notify the public of the availability of the draft environmental assessment for this proposal when it is finished.

References Cited

A list of the references cited in this proposed rule may be found in the docket in *www.regulations.gov.*

Authors

The primary authors of this proposed rule are the staff members of the Louisiana Ecological Services Office (see **FOR FURTHER INFORMATION CONTACT**).

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

Accordingly, for the reasons just described, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

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

■ 2. Amend § 17.42 by adding paragraph (i) to read as follows:

§ 17.42 Special rules—reptiles.

* * * * *

(i) Louisiana pinesnake (*Pituophuis ruthveni*)—(1) *Definitions.* The following definitions apply only to terms used in this paragraph (i) for activities affecting the Louisiana pinesnake.

(i) *Estimated occupied habitat area (EOHA).* Areas of land where occurrences of Louisiana pinesnakes have been recorded and that are considered by the Service to be occupied by the species. For current information regarding the EOHAs, contact your local Service ecological services field office. Field office contact information may be obtained from the Service regional offices, the addresses of which are listed in 50 CFR 2.2.

(ii) *Suitable or preferable soils.* Those soils in Louisiana and Texas that generally have high sand content and a low water table and that have been shown to be selected by Louisiana pinesnakes (Natural Resources Conservation Service soil survey hydrologic group, Categories A and B).

(2) *Prohibitions.* Except as noted in paragraph (i)(3) of this section, all prohibitions and provisions of §§ 17.31 and 17.32 apply to the Louisiana pinesnake.

(3) *Exceptions from prohibitions.* Incidental take of the Louisiana pinesnake will not be considered a violation of section 9 of the Act if the take results from any of the following activities:

(i) Outside any known EOHAs:

(A) Forestry activities, including tree thinning, harvest (including clearcutting), planting and replanting pines, as well as other silviculture practices, that maintain lands in forest land use and that result in the establishment and maintenance of open canopy conditions through time across the landscape.

(B) Prescribed burning, including all firebreak establishment and maintenance actions, as well as actions taken to control wildfires.

(C) Herbicide application that is generally targeted for invasive plant species control and midstory and understory woody vegetation control, but also for site preparation when applied in a manner that minimizes long-term impact to noninvasive herbaceous vegetation. All exempted herbicide applications must be conducted in a manner consistent with Federal and applicable State laws, including Environmental Protection Agency label restrictions and herbicide application guidelines as prescribed by herbicide manufacturers.

(ii) Within any known EOHAs on lands with suitable or preferable soils that are forested, undeveloped, or non-farmed (*i.e.,* not cultivated on an annual basis) and adjacent to forested lands,

activities described in paragraphs (i)(3)(i)(A) through (C) of this section provided that:

(A) Activities do not cause subsurface disturbance, including, but not limited to, wind-rowing, stumping, disking (except during firebreak creation or maintenance), root-raking, drum chopping, below-ground shearing, and bedding. In highly degraded areas with no herbaceous vegetation, subsurface disturbance will be limited to that less than 4 inches in depth.

(B) Activities do not inhibit the persistence of suitable Louisiana pinesnake and Baird's pocket gopher habitat.

Dated: March 12, 2018.

James W. Kurth,

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

[FR Doc. 2018–07108 Filed 4–5–18; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register
Vol. 83, No. 67
Friday, April 6, 2018

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 3, 2018.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725 17th Street NW, Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received by May 7, 2018. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Regulations Governing the Inspection and Grading of Manufactured or Processed Dairy Products—Recordkeeping (Subpart B).

OMB Control Number: 0581–0110.

Summary of Collection: The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*) directs the Department to develop programs that will provide for and facilitate the marketing of agricultural products. One of these programs is the USDA voluntary inspection and grading program for dairy products where these dairy products are graded according to U.S. grade standards by an USDA grader. Dairy processors, buyers, retailers, institutional users, and consumers have requested that such a program be developed to assure the uniform quality of dairy products purchased. For any service program to perform satisfactorily, there must be written guides and rules, which in this case are regulations for the provider and user.

Need and Use of the Information: The Agricultural Marketing Service will collect information to ensure that the dairy inspection program products are produced under sanitary conditions and buyers are purchasing a quality product. The information collected through recordkeeping are routinely reviewed and evaluated during the inspection of the dairy plant facilities for USDA approval. Without laboratory testing results required by recordkeeping, the inspectors would not be able to evaluate the quality of dairy products.

Description of Respondents: Business or other for-profit.

Number of Respondents: 369.

Frequency of Responses: Recordkeeping.

Total Burden Hours: 1,007.

Agricultural Marketing Service

Title: Dairy Products Mandatory Sales Reporting.

OMB Control Number: 0581–0274.

Summary of Collection: The Mandatory Price Reporting Act of 2010 amended § 273(d) of the Agricultural Marketing Act of 1946, requiring the Secretary of Agriculture to establish an electronic reporting system for certain manufacturers of dairy products to report sales information under a mandatory dairy product reporting program. Data collection for cheddar cheese, butter, dry whey, or nonfat dry milk sales is limited to manufacturing plants producing annually 1 million pounds or more of one of the surveyed commodities specified in the program.

Need and Use of the Information: Persons engaged in manufacturing dairy products are required to provide the Department of Agriculture (USDA) certain information, including the price, quantity, and moisture content, where applicable, of dairy products sold by the manufacturer. Various manufacturer reports are filed electronically on a weekly basis. Additional paper forms are filed by manufacturers on an annual basis to validate participation in the mandatory reporting program. Manufacturers and other persons storing dairy products must also report information on the quantity of dairy products stored. USDA publishes composites of the information obtained to help industry members make informed marketing decisions regarding dairy products. The information is also used to establish minimum prices for Class III and Class IV milk under Federal milk marketing orders. Without this information USDA would not be able to verify compliance with applicable regulations.

Description of Respondents: Businesses—Cheddar Cheese, 40 lb. Blocks.

Number of Respondents: 219.

Frequency of Responses: Reporting: On occasion; Weekly; Annually.

Total Burden Hours: 1,767.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–07043 Filed 4–5–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

National Agricultural Library

Notice of Intent To Seek Approval To Collect Information

AGENCY: National Agricultural Library, Agricultural Research Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and Office of Management and Budget (OMB) regulations, this notice announces the National Agricultural Library's (NAL) intent to request an extension of currently approved information collection form related to the Animal Welfare Information Center's (AWIC) workshop, *Meeting the Information Requirements of the Animal Welfare Act.* This workshop registration form requests the following information from participants: contact information, current profession and professional experience, affiliation, basic demographic information, and database searching experience. Participants include principal investigators, members of Institutional Animal Care and Use Committees, animal care technicians, facility managers, veterinarians, and administrators of animal use programs.

DATES: Comments on this notice much be received by June 5, 2018 to be assured of consideration.

ADDRESSES: Address all comments concerning this notice to Sandra Ball, Information Technology Specialist, USDA, ARS, NAL Animal Welfare Information Center, 10301 Baltimore Avenue, Room #108, Beltsville, Maryland 20705–2351. Submit electronic comments to: *sandra.ball@ars.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Sandra Ball, Information Technology Specialist. Phone: 301–504–6212 or Fax: 301–504–5181.

SUPPLEMENTARY INFORMATION:

Title: Animal Welfare Act Workshop Registration.

OMB Number: 0518–033.

Expiration Date:

Type of Request: To extend currently approved data collection form.

Abstract: This Web-based form collects information to register respondents in the workshop, *Meeting the Information Requirements of the Animal Welfare Act.* Information collected includes the following: Preference of workshop date, name, title/position, years of professional experience, organization name, highest level of education, age, mailing address, phone number, and email address. Five questions are asked regarding: Database searching experience, membership on an Institutional Animal Care and Use Committee, position as principal investigator, and goals for attending the workshop.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 5 minutes per response.

Respondents: Principal investigators, members of Institutional Animal Care and Use Committees, animal care personnel, veterinarians, information providers, and administrators of animal use programs.

Estimated Number of Respondents: 200 per year.

Estimated Total Annual Burden on Respondents: 16.6 hours.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who respond, including the use of appropriate automated, electronic, mechanical, or other technology. Comments should be sent to the address in the preamble. All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

Dated: March 27, 2018.

Simon Y. Liu,

Associate Administrator, Agriculture Research Service.

[FR Doc. 2018–07039 Filed 4–5–18; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–78–2017]

Foreign-Trade Zone (FTZ) 41—Milwaukee, Wisconsin; Authorization of Production Activity; AFE, Inc. (Monitors/Displays/Televisions), Mount Pleasant, Wisconsin

On November 30, 2017, The Port of Milwaukee, grantee of FTZ 41, submitted a notification of proposed production activity to the FTZ Board on behalf of AFE, Inc., within Subzone 41N, in Mount Pleasant, Wisconsin.

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 60369–60370), December 20, 2017). On March 30, 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: April 2, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–07065 Filed 4–5–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Statement by Ultimate Consignee and Purchaser

AGENCY: Bureau of Industry and Security, U.S. Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before June 5, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mark Crace, BIS ICB Liaison, (202) 482–8093 or at *mark.crace@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The collection is necessary under Part 748.11 of the EAR. This section states that the Form BIS–711, Statement by Ultimate Consignee and Purchaser, or a

statement on company letterhead (in accordance with 748.11(b)(1), must provide information on the foreign importer receiving the U.S. technology and how the technology will be utilized. The BIS–711 or letter provides assurances from the importer that the technology will not be misused, transferred or re-exported in violation of the EAR.

II. Method of Collection

Submitted electronically or on paper.

III. Data

OMB Control Number: 0694–0021.

Form Number(s): BIS–711.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 414.

Estimated Time per Response: 16 Minutes.

Estimated Total Annual Burden Hours: 110.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: EAR Part 748.11

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–07069 Filed 4–5–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–805]

Certain Uncoated Paper From Portugal: Preliminary Results of Antidumping Duty Administrative Review; 2015–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain uncoated paper (uncoated paper) from Portugal is not being, or is not likely to be sold, at less than normal value during the period of review (POR), August 26, 2015, through February 28, 2017.

DATES: Applicable April 6, 2018.

FOR FURTHER INFORMATION CONTACT: Carrie Bethea, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1491.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on uncoated paper from Portugal in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). The review covers one producer/exporter of the subject merchandise, The Navigator Company, S.A. (Navigator). Interested parties are invited to comment on these preliminary results.[1]

Scope of the Order

The product covered by this review is uncoated paper from Portugal. For a full description of the scope, see the Preliminary Decision Memorandum dated concurrently with and hereby adopted by this notice.[2]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of the topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and it is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum is available at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

We preliminarily determine that, for the period of August 26, 2015, through February 28, 2017, the following weighted-average dumping margin exists:

Exporter/producer	Weighted-average dumping margin (percent)
The Navigator Company, S.A.[3] ..	0.00

Disclosure and Public Comment

We intend to disclose the calculations performed to parties within five days after public announcement of the preliminary results. Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs. Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue, (2) a brief summary of the

[1] Commerce has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the preliminary results of this review is now April 3, 2018. *See* Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

[2] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Certain Uncoated Paper from Portugal; 2015–2017,'' dated concurrently with this notice (Preliminary Decision Memorandum).

[3] On November 23, 2016, Commerce determined that Navigator is the successor-in-interest to Portucel, S.A. *See Certain Uncoated Paper from Portugal: Final Results of Antidumping Duty Changed Circumstances Review,* 82 FR 84555 (November 23, 2016).

argument, and (3) a table of authorities. Case and rebuttal briefs should be filed using ACCESS.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. If Navigator's weight-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent), we will calculate an importer-specific *ad valorem* antidumping duty assessment rate based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is not zero or *de minimis.* If Navigator's weighted-average dumping margin is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review where applicable.

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Navigator for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. We intend to issue instructions to CBP 15 days after the publication date of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Navigator will be the rate established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 7.80 percent, the all-others rate established in the investigation.[4] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and increase the subsequent assessment of the antidumping duties by the amount of the antidumping duties reimbursement.

The preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

[4] *See Certain Uncoated Paper from Portugal: Final Determination of Sales at Less than Fair Value and Final Negative Determination of Critical Circumstances,* 81 FR 3105 (January 20, 2016).

Dated: March 29, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–07003 Filed 4–5–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG146

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a joint meeting of its Golden Crab Advisory Panel and Deepwater Shrimp Advisory Panel in Daytona Beach, FL.

DATES: The joint meeting of the advisory panels will be held April 25, 2018, from 1 p.m. until 5 p.m. and April 26, 2018, from 9 a.m. until 12 p.m.

ADDRESSES: *Meeting address:* The meetings will be held at the Daytona Beach Resort, 2700 North Atlantic Avenue, Daytona Beach, FL 32118; Phone: Reservation: (800) 654–6216 or (386) 672–3770; Fax: (386) 944–7247.

Council address: South Atlantic Fishery Management Council, 4055

Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: Agenda items for the joint AP meeting include the following: An update on amendments recently submitted for Secretarial review and currently under development by the Council; an overview of Joint Coral Amendment 10, Golden Crab Amendment 10, and Shrimp Amendment 11 addressing allowable fishing areas, Vessel Monitoring Systems (VMS) for the golden crab fishery, and transit provisions for the shrimp trawl fishery; a discussion of the royal red shrimp fishery and management options; an update on deep sea coral research; and regulations recommended for removal. Advisory panel members will provide recommendations as appropriate.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the public hearings.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: April 3, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–07041 Filed 4–5–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG145

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, April 26, 2018 at 9 a.m.

ADDRESSES: The meeting will be held at the Fairfield Inn & Suites, 185 MacArthur Drive, New Bedford, MA 02740; phone: (774) 634–2000.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Committee will review detailed information to support development of exemption area alternatives in the clam dredge framework, including Plan Development Team (PDT) advice and analysis, as well as advice from a Scientific and Statistical Committee review panel on use of two Science Center for Marine Fisheries reports. They will also discuss any exemption area alternatives recommended by the Habitat Advisory Panel on April 3, including initial PDT evaluation. The Committee plans to recommend exemption alternatives for further analysis. These could include Advisory Panel proposals, or refinements thereof, Committee-generated proposals, and/or specific design criteria to be used by the PDT to define or refine exemption areas. They will also discuss mussel dredge fishery exemptions if necessary given the outcome of the April 17 Council discussion. They will receive briefings on offshore energy projects from developers, with a focus on offshore wind projects off MA and NY. Develop Council comments to the Bureau of Ocean Energy Management in response to any open notices, including the Notice of Intent to prepare an Environmental Impact Statement for the Vineyard Wind project. Discuss other business as needed.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: April 3, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–07040 Filed 4–5–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG141

Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Acting Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit Application from the Commercial Fisheries Research Foundation contains all the required information and warrants further consideration. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Coastal Fisheries Cooperative Management Act require publication of this notice to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

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

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

- *Email: NMFS.GAR.EFP@noaa.gov.* Include in the subject line ''Comments on CFRF Lobster EFP.''
- *Mail:* Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930.

Mark the outside of the envelope ''Comments on CFRF Lobster EFP.''

FOR FURTHER INFORMATION CONTACT: Laura Hansen, NOAA Affiliate, (978) 281–9225.

SUPPLEMENTARY INFORMATION: The Commercial Fisheries Research Foundation (CFRF) submitted a complete application for an Exempted Fishing Permit (EFP) on February 22, 2018, to conduct fishing activities that the regulations would otherwise restrict. The EFP would authorize four commercial fishing vessels to conduct a study using ventless traps to survey the abundance and distribution of juvenile American lobster and Jonah crab in Lobster Conservation Management Area (LCMA) 2. Overall, this EFP proposes to use a total of 144 ventless traps to survey the abundance and distribution of juvenile American lobster and Jonah crab in the Rhode Island/Massachusetts Wind Energy Area (RI/MA WEA); covering statistical areas 537 and 539. Maps depicting these areas are available on request.

This study is funded through the Bureau of Ocean Energy Management (Award #M13AC00009). The CFRF is requesting exemptions from the following Federal lobster regulations:

1. Gear specification requirements in 50 CFR 697.21(c) to allow for closed escape vents;

2. Trap limit requirements, as listed in § 697.19 (b), for LCMA 2, to be exceeded by 32 standard survey traps and 48 ventless traps per fishing vessel for a total of 80 additional traps;

3. Trap tag requirements, as specified in § 697.19(j), to allow for the use of untagged traps;

4. Possession restrictions in §§ 697.20(a), 697.20(d), and 697.20(g) to allow for temporary onboard biological sampling of sub-legal lobsters; and,

5. Possession limits and minimum fish size requirements specified in § 648, subsections B and D through O, for biological sampling purposes.

If the EFP is approved, this study would take place from May through November, 2018. Each participating vessel would have eight trawls with 10 traps per trawl, consisting of 6 ventless traps and 4 standard traps per trawl. Each vessel will deploy a trawl at eight stations twice a month. Gear will be deployed and retrieved after a five-day soak period. No more than 144 modified and 96 standard traps would be in the water at any time. Modifications to a standard lobster trap would include a closed escape vent, a smaller mesh size, and a smaller entrance head. Traps will be rigged on trawls that are compliant with the Atlantic Large Whale Take Reduction Plan. Each experimental trap will have the participating fisherman's identification attached.

Lobster and Jonah crab retrieved from the standard and modified traps would remain onboard for a short period of time to allow for sampling, after which they would be returned to the water. During sampling, biological information would be collected on all lobsters caught, including: Carapace length; sex; cull status; and presence of eggs, v-notches, and shell disease. Bycatch species would also be kept onboard for enumeration, weight collection, and measurement. All species captured in study traps will be returned promptly to the water after sampling. In conjunction with the ventless trap survey within the RI/MA WEA, the project will include a lobster tagging program to determine the seasonal movement patterns and habitat use by lobsters. Investigators anticipate tagging of 300 lobsters per month across the area. Outreach and incentive programs will be developed to encourage tag reporting. Permitted activities would begin on or after May 1, 2018, and continue through November 2018. No catch from this project will be landed for sale. All data collected will be made available to state and Federal management agencies to improve and enhance the available data for these two crustacean species.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. We may grant EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. The EFP would prohibit any fishing activity conducted outside the scope of the exempted fishing activities.

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

Dated: April 3, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–07088 Filed 4–5–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Idaho Cleanup Project

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Idaho Cleanup Project. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, April 19, 2018; 8:00 a.m.–4:30 p.m.

The opportunity for public comment is at 10:15 a.m. and 1:30 p.m.

This time is subject to change; please contact the Federal Coordinator (below) for confirmation of times prior to the meeting.

ADDRESSES: Shoshone-Bannock Hotel and Event Center, 777 Bannock Trail, Fort Hall, ID 83203.

FOR FURTHER INFORMATION CONTACT: Brad Bugger, Federal Coordinator, Department of Energy, Idaho Operations Office, 1955 Fremont Avenue, MS–1203, Idaho Falls, Idaho 83415. Phone (208) 526–0833; or email: *buggerbp@id.doe.gov* or visit the Board's internet home page at: *https://energy.gov/em/icpcab/.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Topics (agenda topics may change up to the day of the meeting; please contact Brad Bugger for the most current agenda):

- Recent Public Outreach
- Idaho Cleanup Project (ICP) Overview
- Update on Integrated Waste Treatment Unit (IWTU)
- Update on Transuranic Waste Characterization and Shipping
- Nuclear Waste Technical Review Board Study
- Update on EM Budget
- Board Discussion

Public Participation: The EM SSAB, Idaho Cleanup Project, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Brad Bugger at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Brad Bugger at the address or telephone number listed above. The request must be received five

days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Brad Bugger, Federal Coordinator, at the address and phone number listed above. Minutes will also be available at the following website: *https://energy.gov/em/icpcab/listings/cab-meetings.*

Issued at Washington, DC, on April 2, 2018.

Latanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–07061 Filed 4–5–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Advanced Scientific Computing Advisory Committee; Notice of a Meeting

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Advanced Scientific Computing Advisory Committee (ASCAC). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, April 17, 2018; 8:30 a.m. to 5:00 p.m., and

Wednesday, April 18, 2018; 8:30 a.m. to 12:00 p.m.

ADDRESSES: Sheraton Hotel Pentagon City, 900 S Orme Street, Arlington, VA 22204.

FOR FURTHER INFORMATION CONTACT: Christine Chalk, Office of Advanced Scientific Computing Research; SC–21/Germantown Building; U.S. Department of Energy; 1000 Independence Avenue SW, Washington, DC 20585–1290; Telephone (301) 903–7486.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: To provide advice and guidance on a continuing basis to the Office of Science and to the Department of Energy on scientific priorities within the field of advanced scientific computing research.

Tentative Agenda Topics:

- View from Washington
- View from Germantown
- Update on Exascale project activities
- Report from Subcommittee on 40 years of investments by the Department of Energy in advanced computing and networking
- Program response to Committee of Visitors for Research programs
- Technical presentations
- Public Comment (10-minute rule)

The meeting agenda includes an update on the budget, accomplishments and planned activities of the Advanced Scientific Computing Research program and the exascale computing project; an update on the Office of Science; technical presentations from funded researchers; and there will be an opportunity comments from the public. The meeting will conclude at 12:00 noon on April 18, 2018. Agenda updates and presentations will be posted on the ASCAC website prior to the meeting: *http://science.energy.gov/ascr/ascac/.*

Public Participation: The meeting is open to the public. Individuals and representatives of organizations who would like to offer comments and suggestions may do so during the meeting. Approximately 30 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but will not exceed 10 minutes. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Those wishing to speak should submit your request at least five days before the meeting. Those not able to attend the meeting or who have insufficient time to address the committee are invited to send a written statement to Christine Chalk, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, email to *Christine.Chalk@science.doe.gov.*

Minutes: The minutes of this meeting will be available within 90 days on the Advanced Scientific Computing website at *http://science.energy.gov/ascr/ascac/.*

Issued in Washington, DC, on April 2, 2018.

Latanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–07060 Filed 4–5–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy, Office of Environmental Management.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, April 19, 2018, 6:00 p.m.

ADDRESSES: West Kentucky Community and Technical College, Emerging Technology Center, 4810 Alben Barkley Drive, Paducah, Kentucky 42001.

FOR FURTHER INFORMATION CONTACT: Jennifer Woodard, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (270) 441–6825.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda:

- Call to Order, Introductions, Review of Agenda
- Administrative Issues
- Public Comments (15 minutes)
- Adjourn

Breaks Taken As Appropriate

Public Participation: The EM SSAB, Paducah, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Jennifer Woodard as soon as possible in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Jennifer Woodard at the telephone number listed above. Requests must be received as soon as possible prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. The EM SSAB, Paducah, will hear public comments pertaining to its scope (clean-up standards and environmental restoration; waste management and disposition; stabilization and disposition of non-stockpile nuclear materials; excess facilities; future land use and long-term stewardship; risk assessment and management; and clean-up science and

technology activities). Comments outside of the scope may be submitted via written statement as directed above.

Minutes: Minutes will be available by writing or calling Jennifer Woodard at the address and phone number listed above. Minutes will also be available at the following website: *http://www.pgdpcab.energy.gov/2018_meetings.htm.*

Issued at Washington, DC, on April 2, 2018.

Latanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–07062 Filed 4–5–18; 8:45 am]

BILLING CODE 6450–01–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 Number: PR18–39–000.
Applicants: Public Service Company of Colorado.
Description: Tariff filing per 284.123(b), (e)+(g): 20180327 SOR Update for Refund due to TCJA to be effective 3/1/2018.
Filed Date: 3/27/18.
Accession Number: 201803275001.
Comments Due: 5 p.m. ET 4/17/18.
284.123(g) Protests Due: 5 p.m. ET 5/29/18.

Docket Number: RP18–276–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: Report Filing: Status Report and Motion to Suspend Technical Conference to be effective 12/31/9998.
Filed Date: 3/28/18.
Accession Number: 20180328–5172.
Comments Due: 5 p.m. ET 4/6/18.

Docket Number: RP18–621–000.
Applicants: East Tennessee Natural Gas, LLC.
Description: East Tennessee Natural Gas, LLC submits the 2016–2017 Cashout Report.
Filed Date: 3/28/18.
Accession Number: 20180328–5254.
Comments Due: 5 p.m. ET 4/9/18.

Docket Number: RP18–628–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 032918 Negotiated Rates—Emera Energy Services, Inc. R–2715–34 to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5087.
Comments Due: 5 p.m. ET 4/10/18.

Docket Number: RP18–629–000.
Applicants: Hardy Storage Company, LLC.
Description: § 4(d) Rate Filing: RAM 2018 to be effective 5/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5110.
Comments Due: 5 p.m. ET 4/10/18.

Docket Number: RP18–630–000.
Applicants: Rover Pipeline LLC.
Description: § 4(d) Rate Filing: Non-Conforming Agreements—4 in compliance with CP15–93 Order to be effective 5/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5111.
Comments Due: 5 p.m. ET 4/10/18.

Docket Number: RP18–631–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (RE Gas 35433, 34955 to BP 37059, 37060) to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5112.
Comments Due: 5 p.m. ET 4/10/18.

Docket Number: RP18–632–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (EM Energy OH 35451 to BP 37065) to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5113.
Comments Due: 5 p.m. ET 4/10/18.

Docket Number: RP18–633–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: OTRA—Summer 2018 to be effective 5/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5114.
Comments Due: 5 p.m. ET 4/10/18.

Docket Number: RP18–634–000.
Applicants: ANR Pipeline Company.
Description: § 4(d) Rate Filing: ANR Negotiated Rate Amendment to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5116.
Comments Due: 5 p.m. ET 4/10/18.

Docket Number: RP18–635–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Reservation of Capacity to be effective 5/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5117.
Comments Due: 5 p.m. ET 4/10/18.

Docket Number: RP18–636–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rates—Chesapeake Amended 911041 to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5119.
Comments Due: 5 p.m. ET 4/10/18.

Docket Number: RP18–637–000.
Applicants: Kern River Gas Transmission Company.
Description: § 4(d) Rate Filing: 2018 Daggett Surcharge on 5A.02 to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5121.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–638–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update (TEP May 18) to be effective 5/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5122.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–639–000.
Applicants: Kern River Gas Transmission Company.
Description: § 4(d) Rate Filing: 2018 Non-Conforming Agreement with LADWP to be effective 5/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5123.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–640–000.
Applicants: Rover Pipeline LLC.
Description: § 4(d) Rate Filing: Phase 2 In-service to be effective 5/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5163.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–642–000.
Applicants: Gas Transmission Northwest LLC.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement—Mercuria to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5180.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–643–000.
Applicants: Portland Natural Gas Transmission System.
Description: § 4(d) Rate Filing: Northern Utilities Neg Rate Amdt to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5181.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–644–000.
Applicants: Northern Border Pipeline Company.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement—Sequent to be effective 4/1/2018.
Filed Date: 3/29/18.
Accession Number: 20180329–5182.

Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–645–000.

Applicants: Columbia Gas Transmission, LLC.

Description: § 4(d) Rate Filing: COH Negotiated Rate Agreement to be effective 4/1/2018.

Filed Date: 3/29/18.

Accession Number: 20180329–5190.

Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–646–000.

Applicants: Maritimes & Northeast Pipeline, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rates—Enbridge Gas New Brunswick contract 1812 to be effective 4/1/2018.

Filed Date: 3/29/18.

Accession Number: 20180329–5194.

Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–647–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 032918 Negotiated Rates—ENGIE Energy Marketing NA, Inc. R–7855–02 to be effective 4/1/2018.

Filed Date: 3/29/18.

Accession Number: 20180329–5198.

Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–648–000.

Applicants: Southern Star Central Gas Pipeline, Inc.

Description: § 4(d) Rate Filing: Tariff Filing Adding Flexibility to Manage Service Agreements to be effective 5/1/2018.

Filed Date: 3/29/18.

Accession Number: 20180329–5199.

Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–649–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 032918 Negotiated Rates—ENGIE Energy Marketing NA, Inc. R–7855–03 to be effective 4/1/2018.

Filed Date: 3/29/18.

Accession Number: 20180329–5201.

Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–650–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Filing (GIGO) to be effective 4/1/2018.

Filed Date: 3/29/18.

Accession Number: 20180329–5203.

Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–651–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update Filing (Pioneer Apr 18) to be effective 4/1/2018.

Filed Date: 3/29/18.

Accession Number: 20180329–5250.

Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–652–000.

Applicants: Pine Needle LNG Company, LLC.

Description: § 4(d) Rate Filing: 2018 Annual Fuel and Electric Power Tracker Filing to be effective 5/1/2018.

Filed Date: 3/29/18.

Accession Number: 20180329–5319.

Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–653–000.

Applicants: Columbia Gulf Transmission, LLC.

Description: § 4(d) Rate Filing: GXP Kaiser Interim Neg Rate Agmt to be effective 4/1/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5107.

Comments Due: 5 p.m. ET 4/11/18.

Docket Numbers: RP18–654–000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) Rate Filing: 20180330 Negotiated Rate to be effective 4/1/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5145.

Comments Due: 5 p.m. ET 4/11/18.

Docket Numbers: RP18–655–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: § 4(d) Rate Filing: Negotiated Rates—Cherokee AGL—Replacement Shippers—Apr 2018 to be effective 4/1/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5144.

Comments Due: 5 p.m. ET 4/11/18.

Docket Numbers: RP18–656–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Update Filing (APS Apr 18) to be effective 4/1/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5146.

Comments Due: 5 p.m. ET 4/11/18.

Docket Numbers: RP18–657–000.

Applicants: Enable Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Neg Rate Filing—April 2018 City of Winfield, KS, AOG 5193 to be effective 4/1/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5147.

Comments Due: 5 p.m. ET 4/11/18.

Docket Numbers: RP18–658–000.

Applicants: Trailblazer Pipeline Company LLC.

Description: § 4(d) Rate Filing: Neg Rate 2018–03–30 GP, Macquarie, Citadel to be effective 4/1/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5149.

Comments Due: 5 p.m. ET 4/11/18.

Docket Numbers: RP18–659–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—Con Edison releases eff 4–1–2018 to be effective 4/1/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5150.

Comments Due: 5 p.m. ET 4/11/18.

Docket Numbers: RP18–660–000.

Applicants: Kern River Gas Transmission Company.

Description: Annual Gas Compressor Fuel Report of Kern River Gas Transmission Company.

Filed Date: 3/30/18.

Accession Number: 20180330–5104.

Comments Due: 5 p.m. ET 4/11/18.

Docket Numbers: RP18–661–000.

Applicants: Rockies Express Pipeline LLC.

Description: § 4(d) Rate Filing: Neg Rate 2018–03–30 ARM to be effective 4/1/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5156.

Comments Due: 5 p.m. ET 4/11/18.

Docket Numbers: RP18–662–000.

Applicants: Rockies Express Pipeline LLC.

Description: § 4(d) Rate Filing: Neg Rate 2018–03–30 EQT to be effective 4/1/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5158.

Comments Due: 5 p.m. ET 4/11/18.

Docket Numbers: RP18–663–000.

Applicants: Trailblazer Pipeline Company LLC.

Description: § 4(d) Rate Filing: Neg Rate 2018–03–30 Fortigen to be effective 4/1/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5261.

Comments Due: 5 p.m. ET 4/11/18.

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 date(s). 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: April 2, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–07020 Filed 4–5–18; 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 electric rate filings:

Docket Numbers: ER18–502–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2018–03–30_Deficiency Response to Network Resource Designation Improvement to be effective 3/1/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5265.

Comments Due: 5 p.m. ET 4/20/18.

Docket Numbers: ER18–1262–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2018–03–30_Use of Post Reserve Deployment Constraints to be effective 6/1/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5280.

Comments Due: 5 p.m. ET 4/20/18.

Docket Numbers: ER18–1263–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: Amendment No. 1 to Westside Power Authority IA and WDT SA (SA 15) to be effective 6/1/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5282.

Comments Due: 5 p.m. ET 4/20/18.

Docket Numbers: ER18–1264–000.

Applicants: Westar Energy, Inc.

Description: § 205(d) Rate Filing: MPS Electric Interconnection Agreement to be effective 6/1/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5284.

Comments Due: 5 p.m. ET 4/20/18.

Docket Numbers: ER18–1265–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 363, Transmission Service Agreement with CSE to be effective 3/1/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5286.

Comments Due: 5 p.m. ET 4/20/18.

Docket Numbers: ER18–1266–000.

Applicants: Moxie Freedom LLC.

Description: Baseline eTariff Filing: Reactive Power Tariff to be effective 5/1/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5289.

Comments Due: 5 p.m. ET 4/20/18.

Docket Numbers: ER18–1267–000.

Applicants: South Central MCN LLC.

Description: Baseline eTariff Filing: South Central MCM OATT Tariff Filing to be effective 3/31/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5301.

Comments Due: 5 p.m. ET 4/20/18.

Docket Numbers: ER18–1268–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Tariff Revisions to Implement a Set of Resource Adequacy Policies to be effective 7/1/2018.

Filed Date: 3/30/18.

Accession Number: 20180330–5305.

Comments Due: 5 p.m. ET 4/20/18.

Docket Numbers: ER18–1269–000.

Applicants: Louisville Gas and Electric Company.

Description: § 205(d) Rate Filing: Revisions to LGE and KU TCA RS No. 507 to be effective 6/4/2018.

Filed Date: 4/2/18.

Accession Number: 20180402–5104.

Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–1270–000.

Applicants: West Penn Power Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: West Penn Power Company submits Interconnection Agreement No. 4161 to be effective 6/1/2018.

Filed Date: 4/2/18.

Accession Number: 20180402–5105.

Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–1271–000.

Applicants: Jersey Central Power & Light Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: JCP&L submits Interconnection Agreement SA No. 4920 to be effective 6/1/2018.

Filed Date: 4/2/18.

Accession Number: 20180402–5119.

Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–1272–000.

Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: MAIT submits Operating and Interconnection Agreement SA No. 4928 to be effective 6/1/2018.

Filed Date: 4/2/18.

Accession Number: 20180402–5124.

Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–1273–000.

Applicants: Louisville Gas and Electric Company.

Description: § 205(d) Rate Filing: Amd LGE and KU PSSA RS No. 508 to be effective 6/4/2018.

Filed Date: 4/2/18.

Accession Number: 20180402–5125.

Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–1274–000.

Applicants: Duke Energy Ohio, Inc., Duke Energy Kentucky, Inc., PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: DEOK submits revisions to OATT Attachments H–22A and H–22B to be effective 6/1/2018.

Filed Date: 4/2/18.

Accession Number: 20180402–5140.

Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–1275–000.

Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: MAIT submits Operating and Interconnection Agreement SA No. 4929 to be effective 6/1/2018.

Filed Date: 4/2/18.

Accession Number: 20180402–5141.

Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–1276–000.

Applicants: Kentucky Utilities Company.

Description: § 205(d) Rate Filing: KU Concurrence to PSSA LGE and KU Joint RS FERC No. 508 to be effective 6/4/2018.

Filed Date: 4/2/18.

Accession Number: 20180402–5142.

Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–1277–000.

Applicants: Southwestern Public Service Company.

Description: § 205(d) Rate Filing: GSEC RPSA Table 3 Revision 0.2.0 to be effective 12/31/2017.

Filed Date: 4/2/18.

Accession Number: 20180402–5147.

Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–1278–000.

Applicants: Rausch Creek Generation, LLC.

Description: § 205(d) Rate Filing: MBRA Tariff to be effective 2/28/2018.

Filed Date: 4/2/18.

Accession Number: 20180402–5181.

Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–1279–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA SA No. 3355; Queue No. W3–044 to be effective 2/4/2014.

Filed Date: 4/2/18.

Accession Number: 20180402–5182.

Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–1280–000.

Applicants: Sierra Pacific Power Company.

Description: § 205(d) Rate Filing: SPPC RS 73 Concurrence to PG&E RS367 to be effective 4/1/2018.

Filed Date: 4/2/18.
Accession Number: 20180402–5183.
Comments Due: 5 p.m. ET 4/23/18.
Docket Numbers: ER18–1281–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to WMPA SA No. 3183; Queue No. W3–029 to be effective 11/10/2014.
Filed Date: 4/2/18.
Accession Number: 20180402–5188.
Comments Due: 5 p.m. ET 4/23/18.
Docket Numbers: ER18–1282–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: Raven Solar Development (Taylor Solar) LGIA Filing to be effective 3/23/2018.
Filed Date: 4/2/18.
Accession Number: 20180402–5192.
Comments Due: 5 p.m. ET 4/23/18.
Docket Numbers: ER18–1283–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: Raven Solar Development (Wilcox Solar) LGIA Filing to be effective 3/23/2018.
Filed Date: 4/2/18.
Accession Number: 20180402–5194.
Comments Due: 5 p.m. ET 4/23/18.
Docket Numbers: ER18–1284–000.
Applicants: Michigan Electric Transmission Company, LLC.
Description: § 205(d) Rate Filing: Cancellation of A&R Letter Agreement for Short Term O&M with the HBPW to be effective 3/9/2018.
Filed Date: 4/2/18.
Accession Number: 20180402–5209.
Comments Due: 5 p.m. ET 4/23/18.
Docket Numbers: ER18–1285–000.
Applicants: RE Gaskell West 1 LLC.
Description: § 205(d) Rate Filing: RE Gaskell West 1 Market Based Rate Tariff Amendment to be effective 4/3/2018.
Filed Date: 4/2/18.
Accession Number: 20180402–5281.
Comments Due: 5 p.m. ET 4/23/18.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF18–1006–000.
Applicants: Whiting Clean Energy, Inc.
Description: Form 556 of Whiting Clean Energy, Inc.
Filed Date: 3/29/18.
Accession Number: 20180329–5379.
Comments Due: Non Applicable.

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: April 2, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–07019 Filed 4–5–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9038–5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7156 or *https://www2.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements
Filed 03/26/2018 Through 03/30/2018 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-nepa-public/action/eis/search.*

EIS No. 20180053, Draft, USFWS, CA, Draft Environmental Impact Statement/Report, Phase 2, Eden Landing Ecological Reserve, Comment Period Ends: 05/21/2018, Contact: Anne Morkill (510) 792–0222.

EIS No. 20180055, Draft, USFS, MN, Hi Lo Project, Comment Period Ends: 05/21/2018, Contact: Linda Merriman (218) 365–2095.

EIS No. 20180056, Final, FHWA, WA, Washington State Convention Center Addition and King County Site Work, under 23 U.S.C. 139(n)(2), FTA has issued a single document that consists of a final environmental impact statement and record of decision. Therefore, the 30-day wait/review period under NEPA does not apply to this action.'' Contact: Sharon P. Love (360) 753–9558.

EIS No. 20180057, Draft, USFS, CO, Golden Peak Improvements 2016, Comment Period Ends: 05/21/2018, Contact: Max Forgensi (970) 309–4861.

Dated: April 3, 2018.

Kelly Knight,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2018–07022 Filed 4–5–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 2, 2018.

A. Federal Reserve Bank of Minneapolis (Mark A. Rauzi, Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Viking Financial Corporation,* Alexandria, Minnesota; to become a bank holding company by acquiring First State Bank of Ashby, Ashby, Minnesota. In connection with this proposal, the Applicant will retain ownership of its saving association subsidiary, Viking Bank, Alexandria, Minnesota and thereby engage in

operating a savings association, pursuant to Section 225.28(b)(4).

Board of Governors of the Federal Reserve System, April 2, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–07009 Filed 4–5–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency For Healthcare Research And Quality; Notice Of Meeting

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) announces the Special Emphasis Panel (SEP) meeting on AHRQ–HS–17–012, Agency for Healthcare Research and Quality and Patient-Centered Outcomes Research Institute Learning Health Systems Mentored Career Development Program (K12). Each SEP meeting will commence in open session before closing to the public for the duration of the meeting.

DATES: April 25, 2018 (Open on April 25 from 7:30 a.m. to 8:30 a.m. and closed for the remainder of the meeting).

ADDRESSES: Cambria hotel & suites Rockville, 1 Helen Heneghan Way, Rockville, MD 20850.

FOR FURTHER INFORMATION CONTACT: Anyone wishing to obtain a roster of members, agenda or minutes of the non-confidential portions of this meeting should contact: Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research, Education and Priority Populations, AHRQ, 5600 Fishers Lane, Rockville, Maryland 20850, Telephone: (301) 427–1554. Agenda items for this meeting are subject to change as priorities dictate.

SUPPLEMENTARY INFORMATION: In accordance with section 10 (a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), announcement is made of an Agency for Healthcare Research and Quality (AHRQ) Special Emphasis Panel (SEP) meeting on AHRQ–HS–17–012, Agency for Healthcare Research and Quality and Patient-Centered Outcomes Research Institute Learning Health Systems Mentored Career Development Program (K12).

A Special Emphasis Panel is a group of experts in fields related to health care research who are invited by the Agency for Healthcare Research and Quality (AHRQ), and agree to be available, to conduct on an as needed basis, scientific reviews of applications for AHRQ support. Individual members of the Panel do not attend regularly-scheduled meetings and do not serve for fixed terms or a long period of time. Rather, they are asked to participate in particular review meetings which require their expertise.

Each SEP meeting will commence in open session before closing to the public for the duration of the meeting. The SEP meeting referenced above will be closed to the public in accordance with the provisions set forth in 5 U.S.C. App. 2, section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6). Grant applications for the AHRQ–HS–17–012, Agency for Healthcare Research and Quality and Patient-Centered Outcomes Research Institute Learning Health Systems Mentored Career Development Program (K12) are to be reviewed and discussed at this meeting. 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.

Karen J. Migdail,

Chief of Staff.

[FR Doc. 2018–07001 Filed 4–5–18; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meeting

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) announces the Special Emphasis Panel (SEP) meeting on Agency for Healthcare Research and Quality and Patient-Centered Outcomes Research Institute Learning Health Systems Mentored Career Development Program (K12). Each SEP meeting will commence in open session before closing to the public for the duration of the meeting.

DATES: April 25, 2018 (*Open on April 25 from 7:30 a.m. to 8:30 a.m. and closed for the remainder of the meeting*).

ADDRESSES: Cambria hotel & suites Rockville, 1 Helen Heneghan Way, Rockville, MD 20850.

FOR FURTHER INFORMATION CONTACT: Anyone wishing to obtain a roster of members, agenda or minutes of the non-confidential portions of this meeting should contact:

Mrs. Bonnie Campbell, Committee Management Officer, Office of Extramural Research, Education and Priority Populations, AHRQ, 5600 Fishers Lane, Rockville, Maryland 20850, Telephone: (301) 427–1554.

Agenda items for this meeting are subject to change as priorities dictate.

SUPPLEMENTARY INFORMATION: In accordance with section 10 (a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), announcement is made of an Agency for Healthcare Research and Quality (AHRQ) Special Emphasis Panel (SEP) meeting on AHRQ–HS–17–012, Agency for Healthcare Research and Quality and Patient-Centered Outcomes Research Institute Learning Health Systems Mentored Career Development Program (K12).

A Special Emphasis Panel is a group of experts in fields related to health care research who are invited by the Agency for Healthcare Research and Quality (AHRQ), and agree to be available, to conduct on an as needed basis, scientific reviews of applications for AHRQ support. Individual members of the Panel do not attend regularly-scheduled meetings and do not serve for fixed terms or a long period of time. Rather, they are asked to participate in particular review meetings which require their expertise.

Each SEP meeting will commence in open session before closing to the public for the duration of the meeting. The SEP meeting referenced above will be closed to the public in accordance with the provisions set forth in 5 U.S.C. App. 2, section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6). Grant applications for the AHRQ–HS–17–012, Agency for Healthcare Research and Quality and Patient-Centered Outcomes Research Institute Learning Health Systems Mentored Career Development Program (K12) are to be reviewed and discussed at this meeting. 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.

Karen J. Migdail,

Chief of Staff.

[FR Doc. 2018–07064 Filed 4–5–18; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

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, and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—RFA–CE–18–003, Research on Improving Pediatric mTBI Outcomes Through Clinician Training, Decision Support, and Discharge Instructions.

Date: May 16, 2018 and May 17, 2018.

Time: 9:00 a.m.–5:00 p.m., EDT.

Place: DoubleTree by Hilton Hotel Atlanta—Buckhead, 3342 Peachtree Road NE, Atlanta, GA 30326.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Dahna Batts, M.D., FACEP, Scientific Review Official, NCIPC, CDC, 4770 Buford Highway NE, Mailstop F–63, Atlanta, Georgia 30341, Telephone: (404) 639–2485; Email: *dbatts@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2018–07052 Filed 4–5–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

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, and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—SIP18–003, Enhancing Surveillance of Fluorosis.

Date: May 3, 2018.

Time: 11:00 a.m.–4:00 p.m., EDT.

Place: Teleconference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Jaya Raman Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway, Mailstop F80, Atlanta, Georgia 30341, Telephone: (770) 488–6511, *kva5@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2018–07054 Filed 4–5–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number: NIOSH 278]

Board of Scientific Counselors, National Institute for Occupational Safety and Health (BSC, NIOSH)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting of the Board of Scientific Counselors, National Institute for Occupational Safety and Health (BSC, NIOSH). This meeting is open to the public, limited only by the space available. The meeting room accommodates approximately 33 people. The meeting is also open to the public via webcast. If you wish to attend in person or by webcast, please see the NIOSH website to register (*http://www.cdc.gov/niosh/bsc/*) or call (404–498–2539) at least five business days in advance of the meeting. Teleconference is available toll-free; please dial (888) 397–9578, Participant Pass Code 63257516. Adobe Connect webcast will be available at *https://odniosh.adobeconnect.com/nioshbsc/* for participants wanting to connect remotely. This meeting is open to the public, limited only by the space available. The public is welcome to participate during the public comment period, 12:30 p.m. to 12:45 p.m. EDT May 15, 2018. Please note that the public comment period ends at the time indicated above. Each commenter will be provided up to five minutes for comment. A limited number of time slots are available and will be assigned on a first come-first served basis. Written comments will also be accepted from those unable to attend the public session via an on-line form at the following website: *http://www.cdc.gov/niosh/bsc/contact.html.*

DATES: The meeting will be held on May 15, 2018, 8:30 a.m.–2:30 p.m., EDT.

ADDRESSES: Patriots Plaza I, 395 E Street SW, Room 9000, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Alberto Garcia, M.S., Executive Secretary, BSC, NIOSH, CDC, 1090 Tusculum Avenue, MS–R5, Cincinnati, OH, 45226, telephone (513) 841–4596, fax (513) 841–4506.

SUPPLEMENTARY INFORMATION:

Purpose: The Secretary, the Assistant Secretary for Health, and by delegation

the Director, Centers for Disease Control and Prevention, are authorized under Sections 301 and 308 of the Public Health Service Act to conduct directly or by grants or contracts, research, experiments, and demonstrations relating to occupational safety and health and to mine health. The Board of Scientific Counselors provides guidance to the Director, National Institute for Occupational Safety and Health on research and prevention programs. Specifically, the Board provides guidance on the Institute's research activities related to developing and evaluating hypotheses, systematically documenting findings and disseminating results. The Board evaluates the degree to which the activities of the National Institute for Occupational Safety and Health: (1) Conform to appropriate scientific standards, (2) address current, relevant needs, and (3) produce intended results.

Matters To Be Considered: The agenda for the meeting addresses occupational safety and health issues related to: (1) Use of contribution analysis to evaluate research impact; (2) breach in the protective barrier system of the glove and gown interface; (3) occupational safety and health workforce training; and (4) safe-skilled-ready workforce update—Research for Young and Temporary Workers.

Agenda items are subject to change as priorities dictate. An agenda is also posted on the NIOSH website (*http://www.cdc.gov/niosh/bsc/*). Members of the public who wish to address the NIOSH BSC are requested to contact the Executive Secretary for scheduling purposes (see contact information below). Alternatively, written comments to the BSC may be submitted via an on-line form at the following website: *http://www.cdc.gov/niosh/bsc/contact.html.* Agenda items are subject to change as priorities dictate.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2018–07049 Filed 4–5–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Healthcare Infection Control Practices Advisory Committee (HICPAC)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Healthcare Infection Control Practices Advisory Committee (HICPAC). This meeting is open to the public; however, visitors must be processed in accordance with established federal policies and procedures. Attendance is limited only by room seating available, (add number of seats that will be available in the room). The public is also welcome to listen to the meeting via teleconference; 100 teleconference lines are available. Time will be available for public comment. The public is welcome to submit written comments in advance of the meeting. Comments should be submitted in writing by email to the contact person listed below. The deadline for receipt of written public comment is May 3, 2018. All requests must contain the name, address, and organizational affiliation of the speaker, as well as the topic being addressed. Written comments should not exceed one single-spaced typed page in length and delivered in 3 minutes or less. Members of the public who wish to provide public comments should plan to attend the public comment session at the start time listed. Please note that the public comment period may end before the time indicated, following the last call for comments. Written comments received in advance of the meeting will be included in the official record of the meeting. Registration is required to attend in person or on the phone. Interested parties may register at *www.cdc.gov/hicpac.*

DATES: The meeting will be held on May 17, 2018, 9:00 a.m. to 5:00 p.m., EDT, and May 18, 2018, 9:00 a.m. to 12:00 p.m., EDT.

ADDRESSES: Centers for Disease Control and Prevention, Global Communications Center, Building 19, Auditorium B, 1600 Clifton Road NE, Atlanta, Georgia 30329 and teleconference at 866–692–3582, passcode: 66783078.

FOR FURTHER INFORMATION CONTACT: Erin Stone, M.A., HICPAC, Division of Healthcare Quality Promotion, NCEZID, CDC, 1600 Clifton Road NE, Mailstop A–07, Atlanta, Georgia 30329, Telephone (404) 639–4045. Email *hicpac@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The Committee is charged with providing advice and guidance to the Director, Division of Healthcare Quality Promotion (DHQP), the Director, National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), the Director, CDC, and the Secretary, Health and Human Services, regarding (1) the practice of healthcare infection prevention and control; (2) strategies for surveillance, prevention, and control of infections, antimicrobial resistance, and related events in settings where healthcare is provided; and (3) periodic updating of CDC guidelines and other policy statements regarding prevention of healthcare-associated infections and healthcare-related conditions.

Matters To Be Considered: The agenda will include updates on CDC's activities for prevention of healthcare-associated infections. It will also include updates from the following HICPAC workgroups: The Healthcare Personnel Guideline Workgroup; the National Healthcare Safety Network (NHSN) Workgroup; the Neonatal Intensive Care Unit (NICU) Guideline Workgroup; and the Products and Practices Workgroup. Agenda items are subject to change as priorities dictate.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2018–07050 Filed 4–5–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Solicitation of Nominations for Appointment to the Advisory Committee on Immunization Practices (ACIP).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) is seeking nominations for membership on the

ACIP. The ACIP consists of 15 experts in fields associated with immunization practices and public health, have expertise in the use of vaccines and other immunobiologic agents in clinical practice or preventive medicine, have expertise with clinical or laboratory vaccine research, or have expertise in assessment of vaccine efficacy and safety. The committee shall include a person or persons knowledgeable about consumer perspectives and/or social and community aspects of immunization programs. Nominations are being sought for individuals who have expertise and qualifications necessary to contribute to the accomplishments of the committee's objectives. Nominees will be selected based on expertise in the fields of vaccines and related agents for effective control of vaccine-preventable diseases in the civilian population of the United States. Members may be invited to serve for four-year terms. Selection of members is based on candidates' qualifications to contribute to the accomplishment of ACIP objectives *https://www.cdc.gov/vaccines/acip/committee/charter.html.*

DATES: Nominations for membership on the ACIP must be received no later than August 1, 2018. Packages received after this time will not be considered for the current membership cycle.

ADDRESSES: All nominations should be emailed to ACIP Secretariat, *ACIP@cdc.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Stephanie Thomas, Committee Management Specialist, CDC, NCIRD, 1600 Clifton Road NE, MS–A27, Atlanta, GA 30329–4027, telephone (404) 639–8367, email *ACIP@cdc.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Department of Health and Human Services policy stipulates that committee membership be balanced in terms of points of view represented, and the committee's function. Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, gender identity, HIV status, disability, and cultural, religious, or socioeconomic status; female and minority nominees are strongly encouraged to apply. Nominees must be U.S. citizens, and cannot be full-time employees of the U.S. Government. Current participation on federal workgroups or prior experience serving on a federal advisory committee does not disqualify a candidate; however, HHS policy is to avoid excessive individual service on advisory committees and multiple committee memberships. Committee members are Special Government Employees, requiring the filing of financial disclosure reports at the beginning and annually during their terms. CDC reviews potential candidates for ACIP membership each year, and provides a slate of nominees for consideration to the Secretary of HHS for final selection. HHS notifies selected candidates of their appointment near the start of the term in July 2019, or as soon as the HHS selection process is completed. Note that the need for different expertise varies from year to year and a candidate who is not selected in one year may be reconsidered in a subsequent year.

Nominees must be U.S. citizens, and cannot be full-time employees of the U.S. Government. Candidates should submit the following items:

- A cover letter that includes a statement of interest and the qualifications and expertise of the nominee for serving on ACIP.
- Current curriculum vitae, including complete contact information (telephone numbers, mailing address, email address).
- At least one letter of recommendation from person(s) not employed by the U.S. Department of Health and Human Services. (Candidates may submit letter(s) from current HHS employees if they wish, but at least one letter must be submitted by a person not employed by an HHS agency (*e.g.,* CDC, NIH, FDA, etc.).

Nominations may be submitted by the candidate him- or herself, or by the person/organization recommending the candidate.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Elaine Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2018–07048 Filed 4–5–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–18–0932]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled *Information Collection for Evaluation of Education, Communication, and Training Activities for Mobile Populations* to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on October 30, 2017 to obtain comments from the public and affected agencies. CDC received four comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Information Collection for Evaluation of Education, Communication, and Training Activities for Mobile Populations (OMB Control Number 0920–0932, Expiration 07/31/2018)—Revision—National Center for Emerging and Zoonotic Infectious Diseases

(NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) Division of Global Migration and Quarantine (DGMQ) is requesting a three-year revision of a currently approved generic clearance to conduct evaluation research. This will help CDC plan and implement health communication, education, and training activities to improve health and prevent the spread of disease. These activities include communicating, educating, and training with international travelers and other mobile populations, training healthcare providers, and educating public health departments, federal partners, and other stakeholders.

The information collection for which the revision is sought is in accordance with DGMQ's mission to reduce morbidity and mortality among immigrants, refugees, travelers, expatriates, and other globally mobile populations, and to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the United States. This mission is supported by delegated legal authorities outlined in the Public Health Service (PHS) Act (42 U.S.C. 264) and in regulations that are codified in 42 Code of Federal Regulations (CFR) parts 70 and 71, and 34.

Approval of this revision request will allow DGMQ to continue collecting, in an expedited manner, information about the knowledge, attitudes, and behaviors of key audiences (such as refugees, immigrants, migrants, international travelers, travel industry partners, healthcare providers, non-profit agencies, customs brokers and forwarders, schools, state and local health departments) to help improve and inform these activities during both routine and emergency public health events. This generic OMB clearance will help DGMQ continue to refine these efforts in a timely manner, and will be especially valuable for communication activities that must occur quickly in response to public health emergencies.

DGMQ staff will use a variety of data collection methods for this proposed project: interviews, focus groups, surveys, and pre/post-tests. Depending on the research questions and audiences involved, data may be gathered in-person, by telephone, online, or using some combination of these formats. Data may be collected in quantitative and/or qualitative forms. Numerous audience variables will be assessed under the auspices of this generic OMB clearance. These include, but are not limited to, knowledge, attitudes, beliefs, behavioral intentions, practices, behaviors, skills, self-efficacy, and information needs and sources. Insights gained from evaluation research will assist in the development, refinement, implementation, and demonstration of outcomes and impact of communication, education, and training activities.

DGMQ estimates that 17,500 respondents and 7,982 hours of burden will be involved in evaluation research activities each year. The information being collected will not impose a cost burden on the respondents beyond that associated with their time to provide the required data.

For this submission, requested burden has been reduced from 37,500 respondents and 17,835 burden hours to 17,500 respondents and 7,982 burden hours due to a reduction in the number of estimated number of collections per year from ten to five and a two thirds reduction in pre- and post-tests requested for both types of respondents: healthcare professionals and the general public.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
General Public	Focus Groups Screening form	1,050	1	10/60
Healthcare Professionals	Focus Groups Screening form	450	1	10/60
General Public	Focus Groups	525	1	90/60
Healthcare Professionals	Focus Groups	225	1	90/60
General Public	Interview Screening Form	700	1	10/60
Healthcare Professionals	Interview Screening Form	300	1	10/60
General Public	Interviews	350	1	1
Healthcare Professionals Interviews	Interviews	150	1	1
General Public	Survey Screening Forms	5,250	1	10/60
Healthcare Professionals	Survey Screening Forms	2,250	1	10/60
General Public	Surveys	2,625	1	45/60
Healthcare Professionals	Surveys	1,125		45/60
General Public	Pre/Post Tests	1,750	1	45/60
Healthcare Professionals	Pre/Post Tests	750	1	45/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–07017 Filed 4–5–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–18–0943]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Data Collection for the Residential Care Community and Adult Day Services Center Components of the National Study of Long-Term Care Providers to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on December 19, 2017 to obtain comments from the public and affected agencies. CDC received three comments related to the previous notice. This notice serves to

allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov*. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Data Collection for the Residential Care Community and Adult Day Services Center Components of the National Study of Long-Term Care Providers (OMB Control Number 0920–0943, Exp. Date 05/31/2019)—Revision—National Center for Health Statistics, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, ''shall collect statistics on health resources. . . [and] utilization of health care, including extended care facilities, and other institutions.''

NCHS seeks approval to collect data for the residential care community (RCC) and adult day services center (ADSC) survey components of the 2018 National Study of Long-Term Care Providers (NSLTCP). A one year clearance is requested.

Details on the complete study design are as follows. The NSLTCP is designed to (1) broaden NCHS' ongoing coverage of paid, regulated long-term care (LTC) providers; (2) merge with existing administrative data on LTC providers and service users (*i.e.* Centers for Medicare and Medicaid Services (CMS) data on nursing homes and residents, home health agencies and patients, and hospices and patients); (3) update data more frequently on LTC providers and service users for which nationally representative administrative data do not exist; and (4) enable comparisons across LTC sectors and timely monitoring of supply, use, and characteristics of these sectors over time. Data will be collected from two types of LTC providers in the 50 states and the District of Columbia: 2,090 RCCs and 1,650 ADSCs. Data were collected in 2012, 2014, and 2016. The data to be collected in 2018 include the basic characteristics, services, staffing, and practices of RCCs and ADSCs, and demographics, selected health conditions and health care utilization, physical functioning, and cognitive functioning of RCC residents and ADSC participants. The 2018 NSLTCP will include the addition of a contact confirmation call, a call to screen and set an appointment for the services user data collection, and sampling and services user questionnaires. The provider-level data collection has been consolidated into one version of a questionnaire for each setting rather than two versions, and a data retrieval call has been eliminated.

Expected users of data from this collection effort include, but are not limited to CDC; other Department of Health and Human Services (DHHS) agencies, such as the Office of the Assistant Secretary for Planning and Evaluation, The Administration for Community Living, and the Agency for Healthcare Research and Quality; associations, such as LeadingAge, National Center for Assisted Living, American Seniors Housing Association, Argentum (formerly Assisted Living Federation of America), and National Adult Day Services Association; universities; foundations; and other private sector organizations such as the Alzheimer's Association and the AARP Public Policy Institute.

Expected burden from data collection for eligible cases is 80 minutes per respondent: 5 Minutes for a contact confirmation call; 15 minutes for a screener and appointment setting call; 30 minutes for a provider questionnaire; and 30 minutes for a sampling and services user questionnaire. We estimate an eligibility rate for ADSCs of 86% and for RCCs of 76%. One year clearance is requested to cover the collection of data. The burden for the collection is shown in the table below. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	No. of respondents	No. of responses per respondent	Avg. burden per response (in hours)
RCC/ADSC Director/Designated Staff Member	Contact Confirmation Call	3,740	1	5/60
RCC/ADSC Director/Designated Staff Member	Screener and Appointment Setting Call	3,740	1	15/60
RCC Director/Designated Staff Member	RCC Provider Questionnaire	1,589	1	30/60
ADSC Director/Designated Staff Member	ADSC Provider Questionnaire	1,419	1	30/60
RCC/ADSC Director/Designated Staff Member	RCC/ADSC Sampling and Services User Questionnaire.	3,008	1	30/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–07016 Filed 4–5–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

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, and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—RFA–CE–18–002, Evaluation of Policies for the Primary Prevention of Multiple Forms of Violence.

Dates: May 23, 2018 and May 24, 2018.

Time: 9:00 a.m.–5:00 p.m., EDT.

Place: DoubleTree by Hilton Hotel Atlanta—Buckhead, 3342 Peachtree Road NE, Atlanta, GA 30326.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Mikel L. Walters, M.A., Ph.D., Scientific Review Official, NCIPC, CDC, 4770 Buford Highway NE, Mailstop F–63, Atlanta, Georgia 30341, Telephone: (404)639–0913; Email: *mwalters@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2018–07051 Filed 4–5–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

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, and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—CK18–001, Epicenters for the Prevention of Healthcare-Associated Infections (HAIs); Cycle II Multicenter Program Studies and CK18–003, Determining and Monitoring Health Conditions Among US-Bound Refugees and Other Globally Mobile Populations.

Date: May 9, 2018.

Time: 10:00 a.m.–3:00 p.m., EDT.

Place: Teleconference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road NE, Mailstop E60, Atlanta, Georgia 30329, (404) 718–8833, *gca5@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2018–07053 Filed 4–5–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0791]

Exposure-Response Analysis in Drug Development and Regulatory Decision Making; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Prescription Drug User Fee Act of 2017 (PDUFA VI), part of the FDA Reauthorization Act of 2017 (FDARA, highlights the goal of advancing model-informed drug development (MIDD). Exposure-response analysis is a MIDD strategy that has been used in drug development and regulatory decision making. The Food and Drug Administration (FDA or Agency) is opening a docket to receive public comments on experience leveraging exposure-response analysis since publishing the guidance for industry (GFI) entitled ''Exposure-Response Relationships—Study Design, Data Analysis, and Regulatory Applications,'' which was announced in the **Federal Register** on May 6, 2003. Specifically, the Agency wants to identify areas of scientific policy that may need further clarity or elaboration, as well as any obstacles that prevent use of exposure-response analyses in drug development and regulatory review.

DATES: To ensure that the Agency considers your input, submit either electronic or written comments by July 5, 2018.

ADDRESSES: You may submit comments as follows. Electronic comments must be submitted on or before July 5, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery date service acceptance receipt is on or before that date:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a

third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

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

Instructions: All submissions received must include the Docket No. FDA–2018–N–0791 for ''Exposure-Response Analysis in Drug Development and Regulatory Decision Making; Request for Comments.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

FOR FURTHER INFORMATION CONTACT: Kevin Krudys, Office of Clinical Pharmacology, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 3110, Silver Spring, MD 20993–0002, 301–796–3859, *OCP_EPPM_STAFF@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On May 6, 2003, FDA issued a GFI entitled ''Exposure-Response Relationships—Study Design, Data Analysis, and Regulatory Applications'' (available at *https://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM072109.pdf*) (68 FR 24004). This guidance provides recommendations for sponsors of investigational new drugs (INDs) and applicants submitting new drug applications (NDAs) or biologics license applications (BLAs) on the use of exposure-response analyses in the development of drugs, including therapeutic biologics. Since then, FDA and drug developers have gained a wealth of experience performing exposure-response analyses and leveraging the results to influence drug development and inform regulatory review. Additionally, obstacles that limit the routine application and acceptance of exposure-response analyses to address key drug development and regulatory decisions have since been identified. Given that PDUFA VI goals highlight advancing MIDD, FDA wants to capture the public's experience to inform future efforts on providing additional clarity, new insights, and updated recommendations for employing exposure-response analyses in drug development. To achieve these ends, FDA is opening the docket ''Exposure-Response Analysis in Drug Development and Regulatory Decision Making: Request for Comments'' to give interested parties an opportunity to identify areas of scientific policy that may need further clarity or elaboration, as well as any obstacles preventing use of exposure-response analyses in drug development and regulatory review.

II. Additional Issues for Consideration: Request for Information and Comments

Interested persons are invited to provide detailed information and comments on the use of exposure-response analysis in drug development and regulatory review. FDA is particularly interested in responses to the following questions:

1. In general, are there any aspects of the 2003 GFI entitled ''Exposure-Response Relationships—Study Design, Data Analysis, and Regulatory Applications'' that merit further elaboration? Additionally, are there any new topic areas that should be addressed?

2. What are best practices for conducting exposure-response analysis that can be generally applied across development programs and regulatory submissions? Input on best practices can include any of the following topic areas:

• Planning and design (*e.g.,* data considerations, assumption setting);

• Analytical approaches (*e.g.,* exposure and response metrics, choice and inclusion of predictors, methods for addressing confounding factors);

• Model evaluation and qualification (*e.g.,* goodness-of-fit, assessment of model risk, impact on regulatory decisions); and

• Communication of results and impact on subsequent drug development or regulatory decisions.

3. What attributes of an exposure-response analysis are critical to effectively inform a drug development or regulatory decision? Additionally, what are the main obstacles preventing widespread acceptance of exposure-response analyses?

4. During which stages of drug development would it be most productive to interact with the FDA regarding exposure-response analysis planning? What type of feedback would be useful to inform exposure-response analyses and to reduce uncertainty in regulatory acceptance?

FDA will consider all information and comments submitted.

III. Electronic Access

Persons with access to the internet may obtain the 2003 GFI entitled ''Exposure-Response Relationships—Study Design, Data Analysis, and Regulatory Applications'' at either *https://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM072109.pdf* or *https://www.fda.gov/Drugs/Guidancecompliance RegulatoryInformation/Guidances/default.htm.*

Dated: April 2, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–07028 Filed 4–5–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1324]

Science Board to the Food and Drug Administration Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) announces a forthcoming public advisory committee meeting of the Science Board to the Food and Drug Administration. The Science Board provides advice to the Commissioner of Food and Drugs and other appropriate officials on specific, complex scientific and technical issues important to FDA and its mission, including emerging issues within the scientific community. Additionally, the Science Board advises the Agency on keeping pace with technical and scientific developments, including in regulatory science; provides input into the Agency's research agenda; and advises on upgrading its scientific and research facilities and training opportunities. It will also provide, where requested, expert review of Agency sponsored intramural and extramural scientific research programs. The meeting will be open to the public.

DATES: The meeting will be held on April 23, 2018, from 9 a.m. to 4:30 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503, Section A), Silver Spring, MD 20993. For those unable to attend in person, the meeting will also be webcast. The link for the webcast is available at *https://collaboration.fda.gov/scienceboard2018/.* Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FOR FURTHER INFORMATION CONTACT: Rakesh Raghuwanshi, Office of the Chief Scientist, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 3309, Silver Spring, MD 20993, 301–796–4769, *rakesh.raghuwanshi@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The Science Board will hear a report from the Center for Biologics Evaluation and Research Program Review Subcommittee; hear about FDA's Patient Affairs Initiative; and discuss how the Agency can leverage its existing tools and authorities, and work with stakeholders, to better address the complex scientific, public health, and technology challenges it faces today.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before April 18, 2018. Oral presentations from the public will be scheduled between approximately 3:30 p.m. and 4:30 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before April 13, 2018. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by April 16, 2018.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Rakesh Raghuwanshi at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 3, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–07105 Filed 4–5–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0362]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Current Good Manufacturing Practice Regulations for Finished Pharmaceuticals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by May 7, 2018.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0139. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Current Good Manufacturing Practice Regulations for Finished Pharmaceuticals (21 CFR parts 210 and 211)

OMB Control Number 0910–0139—Extension

This information collection supports FDA regulations. Specifically, under section 501(a)(2)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351(a)(2)(B)), a drug is adulterated if the methods used in or the facilities or controls used for its manufacture, processing, packing, or holding do not conform to or are not operated or administered in conformity with Current Good Manufacturing Practice (CGMP). The CGMP regulations help ensure drug products meet the statutory requirements for safety and have their purported or represented identity, strength, quality, and purity characteristics. The information collection requirements in the CGMP regulations provide FDA with the necessary information to perform its duty to protect public health and safety. CGMP requirements establish accountability for manufacturing and processing drug products, provide for meaningful FDA inspections, and enable manufacturers to improve the quality of drug products over time. The CGMP recordkeeping requirements also serve preventive and remedial purposes and provide crucial information if it is necessary to recall a drug product.

The general requirements for recordkeeping under part 211 (21 CFR part 211) are set forth in § 211.180. Any production, control, or distribution record associated with a batch and required to be maintained in compliance with part 211 must be retained for at least 1 year after the expiration date of the batch and, for certain over-the-counter (OTC) drugs, 3 years after distribution of the batch (§ 211.180(a)). Records for all components, drug product containers, closures, and labeling are required to be maintained for at least 1 year after the expiration date and 3 years for certain OTC products (§ 211.180(b)).

All part 211 records must be readily available for authorized inspections during the retention period (§ 211.180(c)), and such records may be retained either as original records or as true copies (§ 211.180(d)). Additionally, § 11.2(a) (21 CFR 11.2(a)) provides that ''for records required to be maintained but not submitted to the Agency, persons may use electronic records in lieu of paper records or electronic signatures in lieu of traditional signatures, in whole or in part, provided that the requirements of this part are met.'' To the extent this electronic option is used, the burden of maintaining paper records should be substantially reduced, as should any review of such records.

To facilitate improvements and corrective actions, records must be maintained so data can be used to evaluate the quality standards of each drug product on at least an annual basis and determine whether to change any drug product specifications or manufacturing or control procedures (§ 211.180(e)). Written procedures for these evaluations are to be established and include provisions for a review of a representative number of batches and, where applicable, records associated with the batch; provisions for a review of complaints, recalls, returned or salvaged drug products; and investigations conducted under § 211.192 for each drug product.

The specific information collection provisions are as follows:

- Section 211.34—Consultants advising on the manufacture, processing, packing, or holding of drug products must have sufficient education, training, and experience to advise on the subject for which they are retained. Records must be maintained stating the name, address, and qualifications of any consultants and the type of service they provide.
- Section 211.67(c)—Records must be kept of maintenance, cleaning, sanitizing, and inspection as specified in §§ 211.180 and 211.182.
- Section 211.68—Appropriate controls must be exercised over computer or related systems to assure that changes in master production and control records or other records are instituted only by authorized personnel.
- Section 211.68(a)—Records must be maintained of calibration checks, inspections, and computer or related system programs for automatic, mechanical, and electronic equipment.
- Section 211.68(b)—All appropriate controls must be exercised over all computers or related systems and control data systems to assure that changes in master production and control records or other records are instituted only by authorized persons.
- Section 211.72—Filters for liquid filtration used in the manufacture, processing, or packing of injectable drug products intended for human use must not release fibers into such products.
- Section 211.80(d)—Each container or grouping of containers for components or drug product containers or closures must be identified with a distinctive code for each lot in each shipment received. This code must be used in recording the disposition of each lot. Each lot must be appropriately identified as to its status.
- Section 211.100(b)—Written production and process control procedures must be followed in the execution of the various production and process control functions and must be documented at the time of performance. Any deviation from the written procedures must be recorded and justified.
- Section 211.105(b)—Major equipment must be identified by a distinctive identification number or code that must be recorded in the batch production record to show the specific equipment used in the manufacture of each batch of a drug product. In cases where only one of a particular type of equipment exists in a manufacturing facility, the name of the equipment may be used in lieu of a distinctive identification number or code.
- Section 211.122(c)—Records must be maintained for each shipment received of each different labeling and packaging material indicating receipt, examination, or testing.
- Section 211.130(e)—Inspection of packaging and labeling facilities must be

made immediately before use to assure that all drug products have been removed from previous operations. Inspection must also be made to assure that packaging and labeling materials not suitable for subsequent operations have been removed. Results of inspection must be documented in the batch production records.

- Section 211.132(c)—Certain retail packages of OTC drug products must bear a statement that is prominently placed so consumers are alerted to the specific tamper-evident feature of the package. The labeling statement is required to be so placed that it will be unaffected if the tamper-resistant feature of the package is breached or missing. If the tamper-evident feature chosen is one that uses an identifying characteristic, that characteristic is required to be referred to in the labeling statement.
- Section 211.132(d)—A request for an exemption from packaging and labeling requirements by a manufacturer or packer is required to be submitted in the form of a citizen petition under 21 CFR 10.30.
- Section 211.137—Requirements regarding product expiration dating and compliance with 21 CFR 201.17.
- Section 211.160(a)—The establishment of any specifications, standards, sampling plans, test procedures, or other laboratory control mechanisms, including any change in such specifications, standards, sampling plans, test procedures, or other laboratory control mechanisms, must be drafted by the appropriate organizational unit and reviewed and approved by the quality control unit. These requirements must be followed and documented at the time of performance. Any deviation from the written specifications, standards, sampling plans, test procedures, or other laboratory control mechanisms must be recorded and justified.
- Section 211.165(e)—The accuracy, sensitivity, specificity, and reproducibility of test methods employed by a firm must be established and documented. Such validation and documentation may be accomplished in accordance with § 211.194(a)(2).
- Section 211.166—Stability testing program for drug products.
- Section 211.173—Animals used in testing components, in-process materials, or drug products for compliance with established specifications must be maintained and controlled in a manner that assures their suitability for their intended use. They must be identified, and adequate records must be maintained showing the history of their use.
- Section 211.180(e)—Written records required by part 211 must be maintained so that data can be used for evaluating, at least annually, the quality standards of each drug product to determine the need for changes in drug product specifications or manufacturing or control procedures. Written procedures must be established and followed for such evaluations and must include provisions for a representative number of batches, whether approved or unapproved or rejected, and a review of complaints, recalls, returned or salvaged drug products, and investigations conducted under § 211.192 for each drug product.
- Section 211.180(f)—Procedures must be established to assure that the responsible officials of the firm, if they are not personally involved in or immediately aware of such actions, are notified in writing of any investigations, conducted under § 211.198, § 211.204, or § 211.208, any recalls, reports of inspectional observations issued, or any regulatory actions relating to good manufacturing practices brought by FDA.
- Section 211.182—Specifies requirements for equipment cleaning records and the use log.
- Section 211.184—Specifies requirements for component, drug product container, closure, and labeling records.
- Section 211.186—Specifies master production and control records requirements.
- Section 211.188—Specifies batch production and control records requirement.
- Section 211.192—Specifies the information that must be maintained on the investigation of discrepancies found in the review of all drug product production and control records by the quality control staff.
- Section 211.194—Explains and describes laboratory records that must be retained.
- Section 211.196—Specifies the information that must be included in records on the distribution of the drug.
- Section 211.198—Specifies and describes the handling of all complaint files received by the applicant.
- Section 211.204—Specifies that records be maintained of returned and salvaged drug products and describes the procedures involved.

Written procedures, referred to here as standard operating procedures (SOPs), are required for many part 211 records. Current SOP requirements were initially provided in a final rule published in the **Federal Register** of September 29, 1978 (43 FR 45014), and are now an integral and familiar part of the drug manufacturing process. The major information collection impact of SOPs results from their creation. Thereafter, SOPs need to be periodically updated. A combined estimate for routine maintenance of SOPs is provided in table 1. The 25 SOP provisions under part 211 in the combined maintenance estimate include:

- Section 211.22(d)—Responsibilities and procedures of the quality control unit;
- Section 211.56(b)—Sanitation procedures;
- Section 211.56(c)—Use of suitable rodenticides, insecticides, fungicides, fumigating agents, and cleaning and sanitizing agents;
- Section 211.67(b)—Cleaning and maintenance of equipment;
- Section 211.68(a)—Proper performance of automatic, mechanical, and electronic equipment;
- Section 211.80(a)—Receipt, identification, storage, handling, sampling, testing, and approval or rejection of components and drug product containers or closures;
- Section 211.94(d)—Standards or specifications, methods of testing, and methods of cleaning, sterilizing, and processing to remove pyrogenic properties for drug product containers and closures;
- Section 211.100(a)—Production and process control;
- Section 211.110(a)—Sampling and testing of in-process materials and drug products;
- Section 211.113(a)—Prevention of objectionable microorganisms in drug products not required to be sterile;
- Section 211.113(b)—Prevention of microbiological contamination of drug products purporting to be sterile, including validation of any sterilization process;
- Section 211.115(a)—System for reprocessing batches that do not conform to standards or specifications to insure that reprocessed batches conform with all established standards, specifications, and characteristics;
- Section 211.122(a)—Receipt, identification, storage, handling, sampling, examination and/or testing of labeling and packaging materials;
- Section 211.125(f)—Control procedures for the issuance of labeling;
- Section 211.130—Packaging and label operations, prevention of mixup and cross contamination, identification and handling of filled drug product containers that are set aside and held in unlabeled condition, and identification of the drug product with a lot or control number that permits determination of

the history of the manufacture and control of the batch;

- Section 211.142—Warehousing;
- Section 211.150—Distribution of drug products;
- Section 211.160—Laboratory controls;
- Section 211.165(c)—Testing and release for distribution;
- Section 211.166(a)—Stability testing;
- Section 211.167—Special testing requirements;
- Section 211.180(f)—Notification of responsible officials of investigations, recalls, reports of inspectional observations, and any regulatory actions relating to good manufacturing practice;
- Section 211.198(a)—Written and oral complaint procedures, including quality control unit review of any complaint involving specifications failures, and serious and unexpected adverse drug experiences;
- Section 211.204—Holding, testing, and reprocessing of returned drug products; and
- Section 211.208—Drug product salvaging.

In addition, the following regulations in parts 610 and 680 (21 CFR parts 610 and 680) reference certain CGMP regulations in part 211: §§ 610.12(g), 610.13(a)(2), 610.18(d), 680.2(f), and 680.3(f). In table 1, the burden associated with the information collection requirements in these regulations is included in the burden estimates under §§ 211.165, 211.167, 211.188, and 211.194, as appropriate.

Although most CGMP provisions covered in this document were created many years ago, some existing firms expanding into new manufacturing areas and startup firms will need to create SOPs. As provided in table 1, FDA assumes approximately 50 firms will have to create up to 25 SOPs for a total of 1,250 records, estimating 20 hours per recordkeeper to create 25 new SOPs for a total of 25,000 hours.

In the **Federal Register** of December 14, 2017 (82 FR 58811) we published a 60-day notice requesting public comment on the proposed collection of information. No comments were received in response to the notice and we therefore retain those burden estimates, which are as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section/activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping (in hours) [1]	Total hours
SOP Maintenance	3,270		3,270	25	81,750
New Startup SOPs	50	25	1,250	20	25,000
211.34—Consultants	3,270	0.25	818	5	4,090
211.67(c)—Equipment cleaning and maintenance	3,270	50	163,500	0.25 (15 minutes)	40,875
211.68—Changes in master production and control records or other records.	3,270	2	6,540	1	6,540
211.68(a)—Automatic, mechanical, and electronic equipment	3,270	10	32,700	0.5 (30 minutes)	16,350
211.68(b)—Computer or related systems	3,270	5	16,350	0.25 (15 minutes)	4,088
211.72—Filters	416	0.25	104	1	104
211.80(d)—Components and drug product containers or closures.	3,270	0.25	818	0.1 (6 minutes)	82
211.100(b)—Production and process controls	3,270	3	9,810	2	19,620
211.105(b)—Equipment identification	3,270	0.25	818	0.25 (15 minutes)	205
211.122(c)—Labeling and packaging material	3,270	50	163,500	0.25 (15 minutes)	40,875
211.130(e)—Labeling and packaging facilities	3,270	50	163,500	0.25 (15 minutes)	40,875
211.132(c)—Tamper-evident packaging	1,613	20	32,260	0.5 (30 minutes)	16,130
211.132(d)—Tamper-evident packaging	1,613	0.2	323	0.5 (30 minutes)	162
211.137—Expiration dating	3,270	5	16,350	0.5 (30 minutes)	8,175
211.160(a)—Laboratory controls	3,270	2	6,540	1	6,540
211.165(e)—Test methodology	3,270	1	3,270	1	3,270
211.166—Stability testing	3,270	2	6,540	0.5 (30 minutes)	3,270
211.173—Laboratory animals	33	1	33	0.25 (15 minutes)	8
211.180(e)—Production, control, and distribution records	3,270	0.2	654	0.25 (15 minutes)	164
211.180(f)—Procedures for notification of regulatory actions	3,270	0.2	654	1	654
211.182—Equipment cleaning and use log	3,270	2	6,540	0.25 (15 minutes)	1,635
211.184—Component, drug product container, closure, and labeling records.	3,270	3	9,810	0.5 (30 minutes)	4,905
211.186—Master production and control records	3,270	10	32,700	2	65,400
211.188—Batch production and control records	3,270	25	81,750	2	163,500
211.192—Discrepancies in drug product production and control records.	3,270	2	6,540	1	6,540
211.194—Laboratory records	3,270	25	81,750	0.5 (30 minutes)	40,875
211.196—Distribution records	3,270	25	81,750	0.25 (15 minutes)	20,438
211.198—Compliant files	3,270	5	16,350	1	16,350
211.204—Returned drug products	3,270	10	32,700	0.5 (30 minutes)	16,350
Total					651,139

[1] Burden estimates of less than 1 hour are expressed as a fraction of an hour in the format ''[number of minutes per response]/60''.

The recordkeeping requirement estimates provided in table 2 are specific to medical gases. In particular, on June 29, 2017, FDA published a Notice of Availability (NOA) in the **Federal Register** regarding revised draft guidance for industry entitled ''Current Good Manufacturing Practice for Medical Gases'' (82 FR 29565). This guidance, when finalized, is intended to help medical gas manufacturers comply with applicable CGMP regulations found in parts 210 and 211. In the NOA for the revised draft guidance, FDA noted the guidance includes information collection provisions subject to review by the OMB under the PRA and, in accordance with the PRA, before publication of the final guidance, FDA intends to solicit public comment and obtain OMB approval for any recommended new information collections or material modifications to previously approved collections of information found in FDA regulations. This notice is intended to solicit such public comment.

The regulations addressed in table 2 are the same as those listed in table 1, but the estimated information collection

burden differs and is specific to medical gas manufacturing.

FDA estimates the burden of this collection of information as follows:

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN
[Medical Gases] [1]

21 CFR section/activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping (in hours) [1]	Total hours
SOP Maintenance	2,284	0.65	1,485	25	37,125
New startup SOPs	100	25	2,500	20	50,000
211.34—Consultants	2,284	0.25	571	0.5 (30 minutes)	286
211.67(c)—Equipment cleaning and maintenance	2,284	32.5	74,230	0.25 (15 minutes)	18,558
211.68—Changes in master production and control records or other records.	2,284	2	4,568	1	4,568
211.68(a)—Automatic, mechanical, and electronic equipment	2,284	10	22,840	0.5 (30 minutes)	11,420
211.68(b)—Computer or related systems	2,284	5	11,420	0.25 (15 minutes)	2,855
211.72—Filters	2,284	.25	571	1	571
211.80(d)—Components and drug product containers or closures.	2,284	0.25	571	0.1 (6 minutes)	57
211.100(b)—Production and process controls	2,284	3	6,382	2	13,704
211.105(b)—Equipment identification	2,284	0.25	571	0.25 (15 minutes)	143
211.122(c)—Labeling and packaging material	2,284	50	114,200	0.25 (15 minutes)	28,550
211.130(e)—Labeling and packaging facilities	2,284	50	114,200	0.25 (15 minutes)	28,550
211.132(c)—Tamper-evident packaging	2,284	20	45,680	0.5 (30 minutes)	22,840
211.132(d)—Tamper-evident packaging	2,284	.2	457	0.5 (30 minutes)	229
211.137—Expiration dating	2,284	3.25	7,423	0.33 (20 minutes)	2,450
211.160(a)—Laboratory controls	2,284	2	4,568	1	4,568
211.165(e)—Test methodology	2,284	1	2,284	1	2,284
211.166—Stability testing	2,284	1.3	2,969	0.33 (20 minutes)	980
211.173—Laboratory animals	2,284	1	2,284	0.25 (15 minutes)	571
211.180(e)—Production, control, and distribution records	2,284	0.2	457	0.25 (15 minutes)	114
211.180(f)—Procedures for notification of regulatory actions	2,284	0.2	457	1	457
211.182—Equipment cleaning and use log	2,284	1.3	2,969	0.16 (10 minutes)	475
211.184—Component, drug product container, closure, and labeling records.	2,284	1.95	4,454	0.33 (20 minutes)	1,470
211.186—Master production and control records	2,284	10	22,840	2	45,680
211.188—Batch production and control records	2,284	16.25	37,115	1.3	48,250
211.192—Discrepancies in drug product production and control records.	2,284	2	4,568	1	4,568
211.194—Laboratory records	2,284	25	57,100	0.5 (30 minutes)	28,550
211.196—Distribution records	2,284	25	57,100	0.25 (15 minutes)	14,275
211.198—Complaint files	2,284	5	11,420	1	11,420
211.204—Returned drug products	2,284	10	22,840	0.5 (30 minutes)	11,420
Total					396,988

[1] Burden estimates of less than 1 hour are expressed as a fraction of an hour in the format "[number of minutes per response]/60".

The information collection reflects an increase in the number of respondents that results in a corresponding increase to the number of annual burden hours. This is consistent with our experience with the information collection.

Dated: April 2, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–07031 Filed 4–5–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Commission on Childhood Vaccines

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

ACTION: Notice—Request for nominations for voting members.

SUMMARY: HRSA is requesting nominations to fill vacancies on the Advisory Commission on Childhood Vaccines (ACCV). The ACCV was established by Title XXI of the Public Health Service Act (the Act), and advises the Secretary of HHS (the Secretary) on issues related to implementation of the National Vaccine Injury Compensation Program (VICP).

DATES: The agency will receive nominations on a continuous basis.

ADDRESSES: Submit your nominations to the Director, Division of Injury Compensation Programs (DICP), Healthcare Systems Bureau (HSB), HRSA, 5600 Fishers Lane, Room 08N146B, Rockville, Maryland 20857. Submit your electronic nomination package by email to Ms. Annie Herzog at *AHerzog@hrsa.gov*.

FOR FURTHER INFORMATION CONTACT: Ms. Annie Herzog, Principal Staff Liaison, DICP, HSB, HRSA, at (301) 443–6634 or email at *aherzog@hrsa.gov*.

SUPPLEMENTARY INFORMATION: Under the authorities that established the ACCV, the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92–463) and section 2119 of the Act, 42 U.S.C. 300aa–19, as added by Public Law 99–660 and amended, HRSA is requesting nominations for voting members of the ACCV.

The ACCV advises the Secretary on the implementation of the VICP. Other activities of the ACCV include: Recommending changes to the Vaccine Injury Table, at its own initiative or as the result of the filing of a petition; advising the Secretary on implementing section 2127 of the Act regarding the need for childhood vaccination products that result in fewer or no significant adverse reactions; surveying federal, state, and local programs and activities related to gathering information on injuries associated with the administration of childhood vaccines, including the adverse reaction reporting requirements of section 2125(b) of the Act; advising the

Secretary on the methods of obtaining, compiling, publishing, and using credible data related to the frequency and severity of adverse reactions associated with childhood vaccines; consulting on the development or revision of Vaccine Information Statements; and recommending to the Director of the National Vaccine Program research related to vaccine injuries which should be conducted to carry out the VICP.

The ACCV consists of nine voting members appointed by the Secretary as follows: (1) Three health professionals, who are not employees of the United States Government, and who have expertise in the health care of children, the epidemiology, etiology, and prevention of childhood diseases, and the adverse reactions associated with vaccines, of whom at least two shall be pediatricians; (2) three members from the general public, of whom at least two shall be legal representatives (parents or guardians) of children who have suffered a vaccine-related injury or death; and (3) three attorneys, of whom at least one shall be an attorney whose specialty includes representation of persons who have suffered a vaccine-related injury or death, and of whom one shall be an attorney whose specialty includes representation of vaccine manufacturers. In addition, the Director of the National Institutes of Health, the Assistant Secretary for Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of the Food and Drug Administration (or the designees of such officials) serve as nonvoting ex officio members.

HHS will consider nominations of all qualified individuals with a view to ensure that the ACCV includes the areas of subject matter expertise noted above. As indicated above, at least two of the three ACCV members of the general public must be legal representatives (parents or guardians) of children who have suffered a vaccine-related injury or death. Because those members must be the legal representatives of children who have suffered a vaccine-related injury or death, to be considered for appointment to the ACCV in that category there must have been a finding (*i.e.,* a decision) by the U.S. Court of Federal Claims or a civil court that a VICP-covered vaccine caused, or was presumed to have caused, the represented child's injury or death. Additionally, based on a recommendation made by the ACCV, the Secretary will consider having a health professional with expertise in obstetrics as one of the members of the general public.

ACCV members are appointed as Special Government Employees. As such, they are covered by the federal ethics rules, including the criminal conflict of interest statutes governing executive branch employees. For example, an ACCV member may be prohibited from discussions about making changes to the Vaccine Injury Table and Vaccine Information Statements for the Hepatitis B vaccine if he/she or his/her spouse owns stock valued above a certain amount in companies that manufacturer this vaccine, affecting their own pecuniary interests—including interests imputed to them. To evaluate possible conflicts of interest, potential candidates will be asked to fill out the U.S. Office of Government Ethics (OGE) Confidential Financial Disclosure Report, OGE Form 450, to provide detailed information concerning financial interests, consultancies, research grants, and/or contracts that might be affected by recommendations made by the ACCV.

Interested persons may nominate one or more qualified persons for membership on the ACCV. Nominations shall state that the nominee is willing to serve as a member of the ACCV. Nominees will be invited to serve a 3-year term beginning the date of appointment. A nomination package should be submitted as hard copy or email communication and should include the following information for each nominee: (1) A letter of nomination stating the name, affiliation, and contact information for the nominee, the basis for the nomination (*i.e.,* what specific attributes, perspectives, and/or skills does the individual possess that would benefit the workings of the ACCV) and the nominee's field(s) of expertise; (2) a biographical sketch of the nominee and a copy of his/her curriculum vitae; and (3) the name, address, daytime telephone number, and email address at which the nominator can be contacted. Nomination packages will be collected and retained to create a pool of possible future ACCV voting members. When a vacancy occurs, nomination packages from the appropriate category will be reviewed and nominees may be contacted at that time.

HHS strives to ensure that the membership of the ACCV is balanced in terms of points of view presented and the committee's function. Every effort is made to ensure that the views of women, all ethnic and racial groups, and people with disabilities are represented on HHS Federal Advisory Committees and, therefore, HHS encourages nominations of qualified candidates from these groups. HHS also encourages geographic diversity in the composition of the Committee. Appointment to the ACCV shall be made without discrimination on basis of age, race, ethnicity, gender, sexual orientation, disability, and cultural, religious, or socioeconomic status. HHS encourages nominations of qualified candidates from all groups and locations.

Dated: March 30, 2018.

Lori A. Roche,

Acting Deputy, Division of the Executive Secretariat.

[FR Doc. 2018–07007 Filed 4–5–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Solicitation of Nominations for Membership To Serve on the Advisory Committee on Heritable Disorders in Newborns and Children

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

ACTION: Request for nominations.

SUMMARY: HRSA is seeking nominations of qualified candidates to be considered for appointment as members of the Advisory Committee on Heritable Disorders in Newborns and Children (Committee). The Committee provides advice, recommendations, and technical information about aspects of heritable disorders and newborn and childhood screening to the Secretary of HHS. HRSA is seeking nominations of qualified candidates to fill up to three positions on the Committee.

DATE: Written nominations for membership on the Committee must be received on or before April 30, 2018.

ADDRESSES: Nomination packages must be submitted electronically as email attachments to Alaina Harris, Genetic Services Branch, Maternal and Child Health Bureau (MCHB), HRSA, *AHarris@hrsa.gov.*

FOR FURTHER INFORMATION CONTACT: Alaina Harris. Address: MCHB, HRSA, 5600 Fishers Lane, Room 18W66, Rockville, MD 20857; phone number: (301) 443–0721; email: *AHarris@hrsa.gov.* A copy of the Committee Charter and list of the current membership can be obtained by accessing the Committee website at *www.hrsa.gov/advisory-committees/heritable-disorders.*

SUPPLEMENTARY INFORMATION: The Committee was established in 2003 to advise the Secretary of HHS regarding newborn screening tests, technologies, policies, guidelines, and programs for

effectively reducing morbidity and mortality in newborns and children having or at risk for heritable disorders. In addition, the Committee provides advice and recommendations to the Secretary concerning the grants and projects authorized under section 1109 of the PHSA and technical information to develop policies and priorities for grants, including those that will enhance the ability of the state and local health agencies to provide for newborn and child screening, counseling and health care services for newborns, and children having or at risk for heritable disorders.

The Committee reviews and reports regularly on newborn and childhood screening practices for heritable disorders, recommends improvements in the national newborn and childhood heritable screening programs, and recommends conditions for inclusion in the Recommended Uniform Screening Panel (RUSP). The Committee's recommendations regarding additional conditions/inherited disorders for screening that have been adopted by the Secretary are included in the RUSP and constitute part of the comprehensive guidelines supported by HRSA pursuant to section 2713 of the PHSA, codified at 42 U.S.C. 300gg–13. Under this provision, non-grandfathered health plans and group and individual health insurance issuers are required to cover screenings included in the HRSA-supported comprehensive guidelines without charging a co-payment, co-insurance, or deductible for plan years (*i.e.,* in the individual market, policy years) beginning on or after the date that is one (1) year from the Secretary's adoption of the condition for screening.

Nominations: HRSA is requesting nominations to fill up to three (3) positions for voting members to serve on the Committee. The Secretary appoints committee members with the expertise needed to fulfill the duties of the Committee established under section 1111(b) of the PHSA, as amended by the Newborn Screening Saves Lives Reauthorization Act of 2014 (Act; 42 U.S.C. 300b–10(b)). Areas of expertise include medical, technical, or scientific professionals with special expertise in the field of heritable disorders or in providing screening, counseling, testing, or specialty services for newborns and children with, or at risk for having, heritable disorders; and/or who have expertise in ethics (*e.g.,* bioethics) and infectious diseases and who have worked and published material in the area of newborn screening; and/or are members of the public having special expertise about or concern with heritable disorders; and/or representatives from such federal agencies, public health constituencies, and medical professional societies. Interested applicants may self-nominate or be nominated by another individual or organization. Nominees must reside in the United States.

Individuals selected for appointment to the Committee will be invited to serve for up to four (4) years. Members who are not federal officers or permanent federal employees are appointed as special government employees and receive a stipend and reimbursement for per diem and travel expenses incurred for attending Committee meetings and/or conducting other business on behalf of the Committee, as authorized by section 5 U.S.C. 5703 for persons employed intermittently in government service. Members who are officers or employees of the United States Government shall not receive additional compensation for service on the Committee, but receive per diem and travel expenses incurred for attending Committee meetings and/or conducting other business on behalf of the Committee.

The following information must be included in the package of materials submitted for each individual being nominated for consideration: (1) A statement that includes the name and affiliation of the nominee and a clear statement regarding the basis for the nomination, including the area(s) of expertise that may qualify a nominee for service on the Committee, as described above; (2) confirmation the nominee is willing to serve as a member of the Committee; (3) the nominee's contact information (include home address, work address, daytime telephone number, and an email address); and (4) a current copy of the nominee's curriculum vitae. Nomination packages may be submitted directly by the individual being nominated or by the person/organization recommending the candidate.

HHS will endeavor to ensure that the membership of the Committee is fairly balanced in terms of points of view represented and that individuals from a broad representation of geographic areas, gender, ethnic and minority groups, as well as individuals with disabilities, are considered for membership. Appointments shall be made without discrimination on the basis of age, ethnicity, gender, sexual orientation, and cultural, religious, or socioeconomic status.

Individuals who are selected to be considered for appointment will be required to provide detailed information regarding their financial holdings, consultancies, and research grants or contracts. Disclosure of this information is necessary in order to determine if the selected candidate is involved in any activity that may pose a potential conflict with the official duties to be performed as a member of the Committee.

Authority: Section 1111 of the Public Health Service Act (PHSA), as amended by the Newborn Screening Saves Lives Reauthorization Act of 2014 (42 U.S.C. 300b–10). The Committee is governed by the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App.), and 41 CFR part 102–3, which set forth standards for the formation and use of advisory committees.

Dated: March 30, 2018.

Lori A. Roche,

Acting Deputy Director, Division of the Executive Secretariat.

[FR Doc. 2018–07005 Filed 4–5–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Interagency Coordinating Committee on the Validation of Alternative Methods; Notice of Public Meeting; Request for Public Input

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) will hold a public forum to share information and facilitate direct communication of ideas and suggestions from stakeholders. Interested persons may attend in person or view the meeting remotely by webcast. Time will be set aside for questions and public statements on the topics discussed. Registration is requested for both public attendance and oral statements, and required for remote access. Information about the meeting and registration are available at *http://ntp.niehs.nih.gov/go/iccvamforum-2018.*

DATES:

Meeting: May 24, 2018, 9:00 a.m. to approximately 4:00 p.m. Eastern Daylight Time (EDT).

Registration for Onsite Meeting: Deadline is May 11, 2018.

Registration for Webcast: Deadline is May 24, 2018.

Submission of Oral Public Statements: Deadline is May 11, 2018.

ADDRESSES: *Meeting Location:* William H. Natcher Conference Center, National Institutes of Health, Bethesda, MD 20892. *Meeting web page:* The

preliminary agenda, registration, and other meeting materials are at *http://ntp.niehs.nih.gov/go/iccvamforum-2018.*

FOR FURTHER INFORMATION CONTACT: Dr. Warren Casey, Director, National Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM); email: *warren.casey@nih.gov;* telephone: (984) 287–3118.

SUPPLEMENTARY INFORMATION:

Background: ICCVAM, a congressionally mandated committee, promotes the development and validation of alternative testing strategies that protect human health and the environment while replacing, reducing, or refining animal use.

ICCVAM's goals include promotion of national and international partnerships between governmental and nongovernmental groups, including academia, industry, advocacy groups, and other key stakeholders. To foster these partnerships ICCVAM initiated annual public forums in 2014 to share information and facilitate direct communication of ideas and suggestions from stakeholders (79 FR 25136).

This year's meeting will be held on May 24, 2018, at the National Institutes of Health (NIH) in Bethesda, MD. The meeting will include presentations by NICEATM and ICCVAM members on current activities related to the development and validation of alternative test methods and approaches, including activities relevant to implementation of the strategic roadmap for establishing new approaches to evaluate the safety of chemicals and medical products in the United States (83 FR 7487).

Following each presentation, there will be an opportunity for participants to ask questions of the ICCVAM members. Instructions for submitting questions will be provided to remote participants prior to the webcast. The agenda will also include time for participants to make public oral statements relevant to the ICCVAM mission and current activities.

Preliminary Agenda and Other Meeting Information: The preliminary agenda, list of discussion topics, background materials, ICCVAM roster, and public statements submitted prior to the meeting will be posted by May 17 at *http://ntp.niehs.nih.gov/go/iccvamforum-2018.* Interested individuals are encouraged to visit this web page to stay abreast of the most current meeting information.

Meeting and Registration: This meeting is open to the public with time scheduled for questions and oral public statements following presentations from ICCVAM and NICEATM. The public may attend the meeting at NIH, where attendance is limited only by the space available, or view remotely by webcast. Those planning to attend the meeting in person are encouraged to register at *http://ntp.niehs.nih.gov/go/iccvamforum-2018* by May 11, 2018, to facilitate planning for appropriate meeting space. Those planning to view the webcast must register at *http://ntp.niehs.nih.gov/go/iccvamforum-2018;* registration will be available through May 24, 2018. The URL for the webcast will be provided in the email confirming registration.

NIH visitor and security information is available at *http://www.nih.gov/about/visitor/index.htm.* Individuals with disabilities who need accommodation to participate in this event should contact Dr. Elizabeth Maull at phone: (984) 287–3157 or email: *maull@niehs.nih.gov.* TTY users should contact the Federal TTY Relay Service at 800–877–8339. Requests should be made at least five business days in advance of the event.

Request for Oral Public Statements: Each presentation will be followed by an opportunity for participants to ask questions of the presenter. Attendees need not register in advance for the opportunity to ask questions or make comments specific to presentations. Instructions for submitting questions or comments will be provided to remote participants prior to the webcast.

In addition to time for questions or comments following each scheduled presentation, time will be allotted during the meeting for oral public statements with associated slides on topics relevant to ICCVAM's mission. The number and length of presentations may be limited based on available time. Submitters will be identified by their name and affiliation and/or sponsoring organization, if applicable. Persons submitting public statements and/or associated slides should include their name, affiliation (if any), mailing address, telephone, email, and sponsoring organization (if any) with the document. National Toxicology Program guidelines for public statements are at *http://ntp.niehs.nih.gov/ntp/about_ntp/guidelines_public_comments_508.pdf.*

Persons wishing to present oral public statements should email their statement to *ICCVAMquestions@niehs.nih.gov* by May 11, 2018, to allow time for review by NICEATM and ICCVAM and posting to the meeting page prior to the forum. Written statements may supplement and expand the oral presentation. Public statements will be distributed to NICEATM and ICCVAM members before the meeting.

Registration for oral public statements will be available onsite, although onsite registration and time allotted for these statements may be limited based on the number of individuals who register to make statements and available time. If registering onsite and reading from written text, please bring 20 copies of the statement for distribution and to supplement the record.

Persons wishing to present oral public statements are strongly encouraged to present their comments in person to facilitate effective interaction with ICCVAM members. However, there will also be the opportunity to present public statements by teleconference line. Persons who are unable to attend the meeting in person and wish to present oral public statements should email *ICCVAMquestions@niehs.nih.gov* by May 11, 2018 to arrange to present statements via teleconference line.

Responses to this notice are voluntary. No proprietary, classified, confidential, or sensitive information should be included in statements submitted in response to this notice or presented during the meeting. This request for input is for planning purposes only and is not a solicitation for applications or an obligation on the part of the U.S. Government to provide support for any ideas identified in response to the request. Please note that the U.S. Government will not pay for the preparation of any information submitted or for its use of that information.

Background Information on ICCVAM and NICEATM: ICCVAM is an interagency committee composed of representatives from 16 federal regulatory and research agencies that require, use, generate, or disseminate toxicological and safety testing information. ICCVAM conducts technical evaluations of new, revised, and alternative safety testing methods and integrated testing strategies with regulatory applicability. ICCVAM also promotes the scientific validation and regulatory acceptance of testing methods that more accurately assess the safety and hazards of chemicals and products and replace, reduce, or refine animal use. The ICCVAM Authorization Act of 2000 (42 U.S.C. 285*l*–3) establishes ICCVAM as a permanent interagency committee of NIEHS and provides the authority for ICCVAM involvement in activities relevant to the development of alternative test methods. Additional information about ICCVAM can be found at *http://ntp.niehs.nih.gov/go/iccvam.*

NICEATM administers ICCVAM, provides scientific and operational support for ICCVAM-related activities, and conducts and publishes analyses and evaluations of data from new, revised, and alternative testing approaches. NICEATM and ICCVAM work collaboratively to evaluate new and improved testing approaches applicable to the needs of U.S. federal agencies.

NICEATM and ICCVAM welcome the public nomination of new, revised, and alternative test methods and strategies for validation studies and technical evaluations. Additional information about NICEATM can be found at *http://ntp.niehs.nih.gov/go/niceatm.*

Dated: April 2, 2018.

Brian R. Berridge,

Associate Director, National Toxicology Program.

[FR Doc. 2018–07057 Filed 4–5–18; 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 HIV Neurodegeneration.

Date: May 30, 2018.

Time: 1:00 p.m. to 6:00 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: Anita H. Undale, Ph.D., MD, Scientific Review Branch, National Institute on Aging, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, 240–747–7825, *anita.undale@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 3, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–07059 Filed 4–5–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; R25 Review.

Date: May 9, 2018.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W110, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Robert E. Bird, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W110, Bethesda, MD 20892–9750 240–276–6344, *birdr@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP–1: NCI Clinical Translational R21 and Omnibus R03.

Date: May 17, 2018.

Time: 7:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Robert S. Coyne, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W236, Bethesda, MD 20892–9750, 240–276–5120, *coyners@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Partnerships in Cancer Research (P20) and Cancer Health Equity (U54).

Date: May 21–22, 2018.

Time: 5:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Clifford W. Schweinfest, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W108, Bethesda, MD 20892–9750, 240–276–633, *schweinfestcw@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP–2: NCI Clinical Translational R21 and Omnibus R03.

Date: May 21–22, 2018.

Time: 5:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Hasan Siddiqui, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W240 Bethesda, MD 20892–9750, 240–276–5122, *hasan.siddiqui@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Transitional Fellowship.

Date: May 31–June 1, 2018.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Reed A. Graves, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W106, Bethesda, MD 20892–9750, 240–276–6384, *gravesr@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP–6: NCI Omnibus.

Date: June 1, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Saejeong J. Kim, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W649, Bethesda, MD 20892–9750, 240–276–5179, *saejeong.kim@nih.gov.*

Name of Committee: National Cancer Institute Initial Review Group; Subcommittee I—Transition to Independence.

Date: June 6–7, 2018.

Time: 4:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Delia Tang, MD, Scientific Review Officer, Research Programs Review

Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W602, Bethesda, MD 20892–9750, 240–276–6456, *tangd@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Epidemiology Cohorts—Infrastructure and Research.

Date: June 6, 2018.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W612, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Shari W. Campbell, DPM, Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W612, Bethesda, MD 20892–9750, 240–276–7381, *shari.campbell@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP–8A: NCI Clinical and Translational R21.

Date: June 12, 2018.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W238, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Jeffrey E. DeClue, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W238, Bethesda, MD 20892–9750, 240–276–6371, *decluej@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP–8B: NCI Omnibus R03.

Date: June 19, 2018.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W238, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Jeffrey E. DeClue, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH 9609, Medical Center Drive, Room 7W238, Bethesda, MD 20892–9750, 240–276–6371, *decluej@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: April 3, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–07058 Filed 4–5–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

The National Institutes of Health (NIH) Sexual & Gender Minority Research Office Request for Letters of Intent for Inaugural Investigator Award Program

AGENCY: National Institutes of Health, HHS.

ACTION: Notice; call for Letters of Intent.

SUMMARY: The National Institutes of Health (NIH) Sexual & Gender Minority Research Office (SGMRO) is requesting letters of intent for an inaugural Investigator Award Program. The NIH Sexual and Gender Minority (SGM) Investigator Award Program was developed to recognize early-stage investigators who have made substantial, outstanding research contributions in areas related to SGM health and who are poised to become future leaders or are already leading the field of SGM health research. The NIH SGMRO is currently soliciting nominations for the 2018 NIH SGM Investigator Awards.

DATES: Notices of intent to apply due April 20, 2018 and final nominations due May 18, 2018.

FOR FURTHER INFORMATION CONTACT: Karen Parker, Ph.D., Director, Sexual & Gender Minority Research Office (SGMRO), 1 Center Drive, Building 1, Room 257, Bethesda, MD 20892, *klparker@mail.nih.gov,* 301–451–2055.

SUPPLEMENTARY INFORMATION: ''Sexual and gender minority'' is an umbrella term that encompasses lesbian, gay, bisexual, and transgender populations as well as those whose sexual orientation, gender identity and expressions, or reproductive development varies from traditional, societal, cultural, or physiological norms.

The Sexual and Gender Minority Research Office (SGMRO) coordinates sexual and gender minority (SGM)–related research and activities by working directly with the NIH Institutes, Centers, and Offices. The Office was officially established in September 2015 within the NIH Division of Program Coordination, Planning, and Strategic Initiatives (DPCPSI).

The SGMRO has the following research-related goals: (1) Expand the knowledge base of SGM health and well-being through NIH-supported research; (2) Remove barriers to planning, conducting, and reporting NIH-supported research about SGM health and well-being; (3) Strengthen the community of researchers and scholars who conduct research relevant to SGM health and well-being; and (4) Evaluate progress on advancing SGM research.

2018 Award Details

Two non-monetary awards of recognition will be offered to early stage investigators who demonstrate both contemporary achievement in and a commitment to an area of SGM-related health research. The award winners will be invited, with all travel expenses covered (limited to reimbursement based on Federal Travel Regulations and HHS and NIH guidance), to give a lecture at the NIH on September 6, 2018. This event will be webcast live and the presentations will be archived and available for future viewing.

Eligibility Criteria

The following individuals are not eligible to be nominated: Federal employees and interns; federal contractors; and members of the NIH SGM Research Working Group.

- At the time of the nomination due date, May 11, the candidate must meet the NIH's definitions of an early stage investigator (ESI) (*https://grants.nih.gov/grants/guide/notice-files/NOT-OD-17-101.html*).

Letters of Intent

A Letter of Intent (LOI) to submit a nomination is required (nominees may self-nominate and submit their own LOIs). The LOI should be a 1-page, single-spaced Word or PDF document and include:

1. Nominee's name, title, affiliation, and date of terminal degree.

2. eRA Commons ID.

a. Before submitting the LOI, researchers should confirm ESI status is correctly marked in their eRA Commons (*https://era.nih.gov/*) profile. If the status is incorrect, please contact the NIH eRA Service Desk (*https://grants.nih.gov/support/index.html*) to resolve the issue before submitting an LOI.

3. SGM research focus of nominee's work.

Attach the LOI (as a Word or PDF document) to an email and send it to *sgmhealthresearch@od.nih.gov* with the subject line ''2018 SGM Investigator

Award Letter of Intent'' no later than 11:59 p.m. on April 20, 2018.

Nominations

Nomination packages may be submitted by the nominee or a nominee's mentor or colleague. Nomination packages must be a single PDF file that includes:

1. NIH Biosketch including a link (URL) to the nominee's *My Bibliography* in PubMed.

a. If you do not have a *My Bibliography* in PubMed, refer to these simple step-by-step instructions to save your citations in PubMed to a ''My Bibliography.''

b. Use the URL that PubMed automatically generates when you change your ''My Bibliography'' sharing setting to public.

2. Letter of nomination (1,000 words or less) from a mentor or colleague familiar with the nominee's work, addressing the nominee's innovative contribution to the field of SGM health research, crosscutting and collaborative nature of that research, trajectory of career development, and leadership strengths. The strongest letters will demonstrate the lasting significance and impact of the nominee's work to date.

3. Two letters of endorsement from other mentors or colleagues. Letters of endorsement may be less encompassing than the letter of nomination, but should address similar themes.

4. A PDF of a key, peer-reviewed article published in the past 24-month period, which is first-authored by the nominee. If in press, please provide the accepted paper and the letter of acceptance from the journal.

After compiling all the above elements into a single PDF file, attach the PDF to an email, and send it to *sgmhealthresearch@od.nih.gov* with the subject line header ''2018 SGM Investigator Award Nomination'' no later than 11:59 p.m. on May 18, 2018.

Review and Selection Process

- *Stage 1:* The SGMRO will assemble a review panel composed of NIH staff with relevant expertise. This panel will provide recommendations to the SGMRO Director and the DPCPSI Director on awardees.
- *Stage 2:* The SGMRO and DPCPSI Directors will review the recommendations and select the final awardees.

Dated: March 8, 2018.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2018–07066 Filed 4–5–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Networking Suicide Prevention Hotlines—Evaluation of Imminent Risk (OMB No. 0930–0333)—REVISION

The Substance Abuse and Mental Health Services Administration's (SAMHSA), Center for Mental Health Services (CMHS) funds a National Suicide Prevention Lifeline Network (''Lifeline''), consisting of a toll-free telephone number that routes calls from anywhere in the United States to a network of local crisis centers. In turn, the local centers link callers to local emergency, mental health, and social service resources. This project is a revision of the Evaluation of Imminent Risk and builds on previously approved data collection activities [Evaluation of Networking Suicide Prevention Hotlines Follow-Up Assessment (OMB No. 0930–0274) and Call Monitoring of National Suicide Prevention Lifeline Form (OMB No. 0930–0275)]. The extension data collection is an effort to advance the understanding of crisis hotline utilization and its impact.

The overarching purpose of the proposed Evaluation of Imminent Risk data collection is to evaluate hotline counselors' management of imminent risk callers and third party callers concerned about persons at imminent risk, assess counselor adherence to the *Lifeline Policies and Guidelines for Helping Callers at Imminent Risk of Suicide,* and identify the types of interventions implemented with imminent risk callers. Specifically, the Evaluation of Imminent Risk will collect data, using the Imminent Risk Form-Revised, to inform the network's knowledge of the extent to which counselors are aware of and being guided by Lifeline's imminent risk guidelines; counselors' definitions of imminent risk; the rates of active rescue of imminent risk callers; the types of rescue and non-rescue interventions used; barriers to intervention; and the circumstances in which active rescue is initiated, including the caller's agreement to receive the intervention. To capture differences across centers, the form also collects information on counselors' employment status and hours worked/volunteered, level of education, license status, training status, source of safety planning protocols, and responsibility for follow up.

Clearance is being requested for *one activity* to assess the knowledge, actions, and practices of counselors to aid callers who are determined to be at imminent risk for suicide and who may require active rescue. This evaluation will allow researchers to examine and understand the actions taken by counselors to aid imminent risk callers, the need for active rescue, the types of interventions used, and, ultimately, improve the delivery of crisis hotline services to imminent risk callers. A total of seven centers will participate in this evaluation. Thus, SAMHSA is requesting OMB review and approval of the Imminent Risk Form-Revised.

Crisis counselors at seven participating centers will record information discussed with imminent risk callers on the Imminent Risk Form-Revised, which does not require direct data collection from callers. As with previously approved evaluations, callers will maintain anonymity. Participating counselors will be asked to complete the form for 100% of their imminent risk calls. At centers with high call volumes, data collection may be limited to designated shifts. This form requests information in 15 content areas, each with multiple sub-items and response options. Response options include open-ended, yes/no, Likert-type ratings, and multiple choice/check all that apply. The form also requests demographic information on the caller, the identification of the center and counselor submitting the form, and the date of the call. Specifically, the form is divided into the following sections: (1) Counselor information, (2) center information, (3) call characteristics (*e.g.,* line called, language spoken, participation of third party), (4) suicidal desire, (5) suicidal intent, (6) suicidal capability, (7) buffers to suicide, (8) interventions agreed to by caller or implemented by counselor without caller's consent, (9) whether imminent risk was reduced enough such that active rescue was not needed, (10) interventions for third party callers calling about a person at imminent risk, (11) whether supervisory consultation occurred during or after the call, (12) barriers to getting needed help to the person at imminent risk, (13) steps taken to confirm whether emergency

contact was made with person at risk, (14) outcome of attempts to rescue person at risk, and (15) outcome of attempts to follow-up on the case. The form also includes an Additional Counselor Training section that counselors complete only when applicable. This section includes one new question specifically related to the use of the Lifeline Simulation Training System. The form will take approximately 15 minutes to complete and will be completed by the counselor after the call. It is expected that a total of 440 forms will be completed by 116 counselors over the two-year data collection period.

The estimated response burden to collect this information is annualized over the requested two-year clearance period and is presented below:

TOTAL AND ANNUALIZED BURDEN: RESPONDENTS, RESPONSES AND HOURS

Instrument	Number of respondents	Responses/respondent	Total responses	Hours per response	Total hour burden
National Suicide Prevention Lifeline—Imminent Risk Form-Revised	116	1.9	220	.26	57

Written comments and recommendations concerning the proposed information collection should be sent by May 7, 2018 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2018–07021 Filed 4–5–18; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0187]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0032

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0032, Vessel Inspection Related Forms and Reporting Requirements Under Title 46 U.S. Code; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before June 5, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2018–0187] to the Coast Guard 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.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE, STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2018–0187], and must be received by June 5, 2018

Submitting Comments

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. Documents mentioned in this notice, and all public comments, are 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.

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, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Vessel Inspection Related Forms and Reporting Requirements Under Title 46 U.S. Code.

OMB Control Number: 1625–0032.

Summary: This collection of information requires owners, operators, agents or masters of certain inspected vessels to obtain and/or post various forms as part of the Coast Guard's Commercial Vessel Safety Program.

Need: The Coast Guard's Commercial Vessel Safety Program regulations are found in 46 CFR, including parts 2, 26, 31, 71, 91, 107, 115, 126, 169, 176 and 189, as authorized in Title 46 U.S. Code. A number of reporting and recordkeeping requirements are contained therein.

Forms: CG–841, Certificate of Inspection; CG–854, Temporary Certificate of Inspection; CG–948, Permit to Proceed to Another Port for Repairs; CG–949, Permit to Carry Excursion Party; CG–950, Application for Permit to Carry Excursion Party; CG–950A, Application for Special Permit; and CG–2832, Vessel Inspection Record.

Respondents: Owners, operators, agents and masters of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 1,642 hours to 1,705 hours a year due to an increase in the estimated annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: March 29, 2018.

James D. Roppel,

U.S. Coast Guard, Division Chief, Directives and Publications.

[FR Doc. 2018–07035 Filed 4–5–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0192]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0013

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0013, Plan Approval and Records for Load Lines—Title 46 CFR Subchapter E; without change. Our ICR describe the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before June 5, 2018

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2018–0192] to the Coast Guard 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.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR AVE. SE, STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2018–0192], and must be received by June 5, 2018.

Submitting Comments

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. Documents mentioned in this notice, and all public comments, are 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.

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, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Plan Approval and Records for Load Lines—Title 46 CFR Subchapter E.

OMB Control Number: 1625–0013.

*Summary:*This information collection is required to ensure that certain vessels are not overloaded—as evidenced by the submerging of their assigned load line. In general, vessels over 150 gross tons or 24 meters (79 feet) in length engaged in commerce on international or

coastwise voyages by sea are required to obtain a Load Line Certificate.

Need: Title 46 U.S.C. 5101 to 5116 provides the Coast Guard with the authority to enforce provisions of the International Load Line Convention, 1966. Title 46 CFR chapter I, subchapter E—Load Lines, contains the relevant regulations.

Forms: None.

Respondents: Owners and operators of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 907 hours to 757 hours a year due to a decrease in the estimated annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: March 29, 2018.

James D. Roppel,

U.S. Coast Guard, Division Chief, Directives and Publications.

[FR Doc. 2018–07037 Filed 4–5–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0190]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0097

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0097, Plan Approval and Records for Marine Engineering Systems—46 CFR Subchapter F; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before June 5, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2018–0190] to the Coast Guard 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.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE, STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2018–0190], and must be received by June 5, 2018.

Submitting Comments

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. Documents mentioned in this notice, and all public comments, are 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.

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, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Plan Approval and Records for Marine Engineering Systems—46 CFR Subchapter F.

OMB Control Number: 1625–0097.

Summary: This collection of information requires an owner or builder of a commercial vessel to submit to the U.S. Coast Guard for review and approval, plans pertaining to marine engineering systems to ensure that the vessel will meet regulatory standards.

Need: Under 46 U.S.C. 3306, the Coast Guard is authorized to prescribe vessel safety regulations including those related to marine engineering systems. Title 46 CFR Subchapter F prescribes those requirements. The rules provide the specifications, standards and requirements for strength and adequacy of design, construction, installation, inspection, and choice of materials for machinery, boilers, pressure vessels, safety valves, and piping systems upon which safety of life is dependent.

Forms: None.

Respondents: Owners and builders of commercial vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 5,512 hours to 5,793 hours a year due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: March 29, 2018.

James D. Roppel,

U.S. Coast Guard, Division Chief, Directives and Publications.

[FR Doc. 2018–07032 Filed 4–5–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0066]

Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) Recertification

AGENCY: Coast Guard, DHS.

ACTION: Notice of recertification.

SUMMARY: This notice informs the public that the Coast Guard has recertified the Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) as an alternative voluntary advisory group for Prince William Sound, Alaska. This certification allows the PWSRCAC to monitor the activities of terminal facilities and crude oil tankers under the Prince William Sound Program established by statute.

DATES: This recertification is effective for the period from February 28, 2018 through March 1, 2019.

FOR FURTHER INFORMATION CONTACT: LT Ian McPhillips, Seventeenth Coast Guard District (dpi), by phone at (907)463–2809, email at *Ian.P.McPhillips@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Background and Purpose

As part of the Oil Pollution Act of 1990, Congress passed the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990 (the Act), 33 U.S.C. 2732, to foster a long-term partnership among industry, government, and local communities in overseeing compliance with environmental concerns in the operation of crude oil terminals and oil tankers.

The President has delegated his authority under 33 U.S.C 2732(o) respecting certification of advisory councils, or groups, subject to the Act to the Secretary of the Department of Homeland Security. Section 8(g) of Executive Order 12777, (56 FR 54757, October 22, 1991), as amended by section 34 of Executive Order 13286 (68 FR 10619, March 5, 2003). The Secretary redelegated that authority to the Commandant of the USCG. Department of Homeland Security Delegation No. 0170.1, paragraph 80 of section II. The Commandant redelegated that authority to the Chief, Office of Marine Safety, Security and Environmental Protection (G–M) on March 19, 1992 (letter #5402).

On July 7, 1993, the USCG published a policy statement, ''Alternative Voluntary Advisory Groups, Prince William Sound and Cook Inlet'' (58 FR 36504), to clarify the factors considered in making the determination as to whether advisory councils, or groups, should be certified in accordance with the Act.

The Assistant Commandant for Marine Safety and Environmental Protection (G–M), redelegated recertification authority for advisory councils, or groups, to the Commander, Seventeenth Coast Guard District on February 26, 1999 (letter #16450).

On September 16, 2002, the USCG published a policy statement, 67 FR 58440, which changed the recertification procedures such that applicants are required to provide the USCG with comprehensive information every three years (triennially). For each of the two years between the triennial application procedures, applicants submit a letter requesting recertification that includes a description of any substantive changes to the information provided at the previous triennial recertification. Further, public comment is only solicited during the triennial comprehensive review.

The Alyeska Pipeline Service Company pays the PWSRCAC $2.9 million annually in the form of a longterm contract. In return for this funding, the PWSRCAC must annually show that it ''fosters the goals and purposes'' of OPA 90 and is ''broadly representative of the communities and interests in the vicinity of the terminal facilities and Prince William Sound.'' The PWSRCAC is an independent, nonprofit organization founded in 1989. Though it receives federal oversight like many independent, non-profit organizations, it is not a federal agency. The PWSRCAC is a local organization that predates the passage of OPA 90. The existence of the PWSRCAC was specifically recognized in OPA 90 where it is defined as an ''alternate voluntary advisory group.'' Alyeska funds the PWSRCAC, and the Coast Guard makes sure the PWSRCRC operates in a fashion that is broadly consistent with OPA 90.

Recertification

By letter dated February 28, 2018, the Commander, Seventeenth Coast Guard certified that the PWSRCAC qualifies as an alternative voluntary advisory group under 33 U.S.C. 2732(o). This recertification terminates on March 1, 2019.

Dated: February 28, 2018.

Michael F. Mcallister,

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

[FR Doc. 2018–07085 Filed 4–5–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0191]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0034

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0034, Ships' Stores Certification for Hazardous Materials Aboard Ships; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before June 5, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2018–0191] to the Coast Guard 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.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–612), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE, STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2018–0191], and must be received by June 5, 2018.

Submitting Comments

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. Documents mentioned in this notice, and all public comments, are 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.

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, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Ships' Stores Certification for Hazardous Materials Aboard Ships.

OMB Control Number: 1625–0034.

Summary: The information is used by the Coast Guard to ensure that personnel aboard ships are made aware of the proper usage and stowage instructions for certain hazardous materials. Provisions are made for waivers of products in special Department of Transportation (DOT) hazard classes.

Need: Title 46 U.S.C. 3306 authorizes the Coast Guard to prescribe regulations for the transportation, stowage, and use of ships' stores and supplies of a dangerous nature. Part 147 of 46 CFR prescribes the regulations for hazardous ships' stores.

Forms: None.

Respondents: Owners and operators of ships, and suppliers and manufacturers of hazardous materials used on ships.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 8 hours to 4 hours a year due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: March 29, 2018.

James D. Roppel,

U.S. Coast Guard, Division Chief, Directives and Publications.

[FR Doc. 2018–07036 Filed 4–5–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0121]

Agency Information Collection Activities: Trusted Traveler Programs and U.S. APEC Business Travel Card

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted (no later than June 5, 2018 to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0121 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments: (1) *Email:* Submit comments to: *CBP_PRA@cbp.dhs.gov.* (2) *Mail:* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number (202) 325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality,

utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Trusted Traveler Programs and U.S. APEC Business Travel Card.

OMB Number: 1651–0121.

Form Numbers: 823S (SENTRI) and 823F (FAST).

Abstract: This collection of information is for CBP's Trusted Traveler Programs, including the Secure Electronic Network for Travelers Rapid Inspection (SENTRI), which allows expedited entry at specified land border ports of entry along the U.S.-Mexico border; the Free and Secure Trade (FAST) Program, which provides expedited border processing for known, low-risk commercial drivers; and Global Entry, which allows pre-approved, low-risk air travelers expedited clearance upon arrival into the United States.

The purpose of all of these programs is to provide prescreened travelers expedited entry into the United States. The benefit to the traveler is less time spent in line waiting to be processed. These Trusted Traveler Programs are provided for in 8 CFR 235.7, 235.12, and 8 CFR 103.7(b)(1)(ii)(G)and(M).

This information collection also includes the U.S. Asia-Pacific Economic Cooperation (APEC) Business Travel Card (ABTC) Program, which is a voluntary program that allows U.S. citizens to use fast-track immigration lanes at airports in the 20 other APEC member countries. This program is mandated by the Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011, Public Law 112–54, and provided for by 8 CFR 235.13 and 8 CFR 103.7(b)(1)(ii)(N). Pursuant to these laws and regulations, ABTCs could be issued through September 30, 2018. On November 2, 2017, the President signed into law the Asia-Pacific Economic Corporation Business Travel Cards Act of 2017, which makes the ABTC Program permanent. Public Law 115–79. CBP is in the process of updating 8 CFR 235.13 to conform to the new law.

The data is collected on the applications and kiosks for the Trusted Traveler Programs. Applicants may apply to participate in these programs by using the Trusted Traveler Program Systems (TTP Systems) at *https://ttp.cbp.dhs.gov/.* Applicants may also apply for SENTRI and FAST using paper forms (CBP Form 823S for SENTRI and CBP Form 823F for FAST) available at *http://www.cbp.gov* or at Trusted Traveler Enrollment Centers. After arriving at the Federal Inspection Services area of the airport, participants in Global Entry can undergo a self-service inspection process using a Global Entry kiosk. During the self-service inspection, participants have their photograph and fingerprints taken, submit identifying information, and answer several questions about items they are bringing into the United States. When using the Global Entry kiosks, participants are required to declare all articles being brought into the United States pursuant to 19 CFR 148.11.

Current Actions: This submission is being made to extend the expiration date with no change to the information collected. There is an increase to the burden hours.

Type of Review: Extension (without change).

Affected Public: Individuals and Businesses.

SENTRI (Form 823S)

Estimated Number of Annual Respondents: 126,645.

Estimated Number of Total Annual Responses: 126,645.

Estimated Time per Response: 40 minutes.

Estimated Total Annual Burden Hours: 84,852.

FAST (Form 823F)

Estimated Number of Annual Respondents: 12,617.

Estimated Number of Total Annual Responses: 12,617.

Estimated Time per Response: 40 minutes.

Estimated Total Annual Burden Hours: 8,453.

Global Entry

Estimated Number of Annual Respondents: 1,414,434.

Estimated Number of Total Annual Responses: 1,414,434.

Estimated Time per Response: 40 minutes.

Estimated Total Annual Burden Hours: 947,670.

ABTC

Estimated Number of Annual Respondents: 14,215.

Estimated Number of Total Annual Responses: 14,215.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 2,416.

Global Entry Kiosks

Estimated Number of Annual Respondents: 9,750,212.

Estimated Number of Total Annual Responses: 9,750,212.

Estimated Time per Response: 1 minute.

Estimated Total Annual Burden Hours: 156,003.

Dated: April 3, 2018.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2018–07063 Filed 4–5–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–ES–2017–0104; FXIA16710900000–156–FF09A30000]

Foreign Endangered Species; Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits.

SUMMARY: We, the U.S. Fish and Wildlife Service, have issued permits to conduct activities with endangered and threatened species under the authority of the Endangered Species Act, as amended (ESA). With some exceptions, the ESA prohibits activities involving listed species unless a Federal permit is issued that allows such activity.

ADDRESSES: Information about the applications for the permits listed in this notice is available online at *www.regulations.gov.* See **SUPPLEMENTARY INFORMATION** for details.

FOR FURTHER INFORMATION CONTACT: Joyce Russell, 703–358–2023.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, have issued permits to conduct certain activities with endangered and threatened species in response to permit applications that we received under the authority of section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.;* ESA).

After considering the information submitted with each permit application and the public comments received, we issued the requested permits subject to certain conditions set forth in each permit. For each application for an endangered species, we found that (1) the application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered

species, and (3) the granted permit would be consistent with the purposes and policy set forth in section 2 of the ESA.

Availability of Documents

The permittees' original permit application materials, along with public comments we received during public comment periods for the applications, are available for review. To locate the application materials and received comments, go to *www.regulations.gov* and search for the appropriate permit number (*e.g.,* 12345C) provided in the following table:

Permit No.	Applicant	Permit issuance date
65009A	William B. Montgomery	December 6, 2017.
32933C	Mario A. Gutierrez	December 6, 2017.
44006C	Houston Zoo, Inc	December 11, 2017.
99140B	Zooworld Zoological	December 11, 2017.
95720B	McCarthy's Wildlife Sanctuary	December 14, 2017.
35535C	Richard Frank Rueden	December 18, 2017.
67438A	Jack Phillips	December 18, 2017.
69947A	Bruce H. Fairchild	December 19, 2017.
15139C	Omaha's Henry Doorly Zoo & Aquarium	December 19, 2017.
70470A	Lucky 7 Exotics Ranch	December 19, 2017.
39695C	Joseph F. Mandola	November 14, 2017.
72630A	Ripley's Aquarium	November 14, 2017.
761887	American Museum of Natural History	November 14, 2017.
280059C	Columbus Zoo & Aquarium	November 14, 2017.
34507C	St. Catherines Island Foundation	November 21, 2017.
362003C	Wildlife Conservation Society	November 30, 2017.

Authority

We issue this notice under the authority of the ESA, as amended (16 U.S.C. 1531 *et seq.*).

Joyce Russell,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2018–07070 Filed 4–5–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R7–R–2018–N028; FF07R08000F–XRS–1263–0700000–178; OMB Control Number 1018–0141]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Alaska Guide Service Evaluation

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.

DATES: Interested persons are invited to submit comments on or before May 7, 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 1018–0141 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.

On August 31, 2017, we published in the **Federal Register** (82 FR 41423) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on October 30, 2017. We received no comments 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 entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: We collect information via FWS Form 3–2349 (Alaska Guide Service Evaluation) to help us evaluate commercial guide services on our national wildlife refuges in the State of Alaska (State). The National Wildlife Refuge Administration Act of 1966, as amended (16 U.S.C. 668dd–ee), authorizes us to permit uses, including commercial visitor services, on national

wildlife refuges when we find the activity to be compatible with the purposes for which the refuge was established. With the objective of making available a variety of quality visitor services for wildlife-dependent recreation on National Wildlife Refuge System lands, we issue permits for commercial guide services, including big game hunting, sport fishing, wildlife viewing, river trips, and other guided activities. We use FWS Form 3–2349 as a method to:

- Monitor the quality of services provided by commercial guides.
- Gauge client satisfaction with the services.
- Assess the impacts of the activity on refuge resources.

The client is the best source of information on the quality of commercial guiding services. We collect:

- Client name.
- Guide name(s).
- Type of guided activity.
- Dates and location of guided activity.
- Information on the services received, such as the client's expectations, safety, environmental impacts, and client's overall satisfaction.

We encourage respondents to provide any additional comments that they wish regarding the guide service or refuge experience, and ask whether or not they wish to be contacted for additional information.

The above information, in combination with State-required guide activity reports and contacts with guides and clients in the field, provides a comprehensive method for monitoring permitted commercial guide activities. A regular program of client evaluation helps refuge managers detect potential problems with guide services so that we can take corrective actions promptly. In addition, we use this information during the competitive selection process for big game and sport fishing guide permits to evaluate an applicant's ability to provide a quality guiding service.

Title of Collection: Alaska Guide Service Evaluation.

OMB Control Number: 1018–0141.

Form Number: FWS Form 3–2349.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Clients of permitted commercial guide service providers.

Total Estimated Number of Annual Respondents: 264.

Total Estimated Number of Annual Responses: 264.

Estimated Completion Time per Response: 15 minutes.

Total Estimated Number of Annual Burden Hours: 66.

Respondent's Obligation: Voluntary.

Frequency of Collection: One time, following use of commercial guide services.

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: April 3, 2018.

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2018–07079 Filed 4–5–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–MB–2018–N026; FF09M21200–178–FXMB12320900000; OMB Control Number 1018–0133]

Agency Information Collection Activities; Control and Management of Resident Canada Geese

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 (Service), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 5, 2018.

ADDRESSES: Send your comments on the information collection request (ICR) by mail 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 1018–0133 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.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the 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. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*) prohibits the take, possession, import, export, transport, sale, purchase, or bartering of migratory birds or their parts, except as permitted under the terms of a valid permit or as permitted by regulations. In 2006, we issued regulations establishing two depredation orders and three control orders that allow State and tribal wildlife agencies, private landowners, and airports to conduct resident Canada goose population management, including the take of birds, nest and eggs. We monitor the data collected for activities under these orders and may rescind an order if monitoring indicates that activities are inconsistent with conservation of Canada geese.

Control order for airports. Our regulations at 50 CFR 21.49 allow managers at commercial, public, and private airports and military airfields and their employees or agents to implement management of resident

Canada geese to resolve or prevent threats to public safety. An airport must be part of the National Plan of Integrated Airport Systems and have received Federal grant-in-aid assistance or be a military airfield under the jurisdiction, custody, or control of the Secretary of a military department. Each facility exercising the privileges of the order must submit an annual report with the date, numbers, and locations of birds, nests, and eggs taken.

Depredation order for nests and eggs. Our regulations at 50 CFR 21.50 allow private landowners and managers of public lands to destroy resident Canada goose nests and eggs on property under their jurisdiction, provided they register annually on our website at *https://epermits.fws.gov/eRCGR.* Registrants must provide basic information, such as name, address, phone number, and email, and identify where the control work will occur and who will conduct it. Registrants must return to the website to report the number of nests with eggs they destroyed.

Depredation order for agricultural facilities. Our regulations at 50 CFR 21.51 allow States and tribes, via their wildlife agencies, to implement programs to allow landowners, operators, and tenants actively engaged in commercial agriculture to conduct damage management control when geese are committing depredations, or to resolve or prevent other injury to agricultural interests. State and tribal wildlife agencies in the Atlantic, Central, and Mississippi Flyway portions of 41 States may implement the provisions of the order. Each implementing agricultural producer must maintain a log of the date and number of birds taken under this authorization. Each State and tribe exercising the privileges of the order must submit an annual report of the numbers of birds, nests, and eggs taken, and the county or counties where take occurred.

Public health control order. Our regulations at 50 CFR 21.52 authorize States and tribes of the lower 48 States to conduct (via the State or tribal wildlife agency) resident Canada goose control and management activities when the geese pose a direct threat to human health. States and tribes operating under this order must submit an annual report summarizing activities, including the numbers of birds taken and the county where take occurred.

Population control. Our regulations at 50 CFR 21.61 establish a managed take program to reduce and stabilize resident Canada goose populations when traditional and otherwise authorized management measures are not successful or feasible. A State or tribal wildlife agency in the Atlantic, Mississippi, or Central Flyway may request approval for this population control program. If approved, the State or tribe may use hunters to harvest resident Canada geese during the month of August. Requests for approval must include a discussion of the State's or tribe's efforts to address its injurious situations using other methods, or a discussion of the reasons why the methods are not feasible. If the Service Director approves a request, the State or tribe must (1) keep annual records of activities carried out under the authority of the program, and (2) provide an annual summary, including number of individuals participating in the program and the number of resident Canada geese shot. Additionally, participating States and tribes must monitor the spring breeding population by providing an annual estimate of the breeding population and distribution of resident Canada geese in their State.

Our regulations at 50 CFR 21.49, 21.50, 21.51, and 21.52 require that persons or entities operating under the depredation and control orders must immediately report the take of any species protected under the Endangered Species Act (ESA). This information ensures that the incidental take limits authorized under section 7 of the ESA are not exceeded.

Title of Collection: Control and Management of Resident Canada Geese, 50 CFR 20.21, 21.49, 21.50, 21.51, 21.52, and 21.61.

OMB Control Number: 1018–0133.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: State fish and wildlife agencies, tribes, and local governments; airports; landowners; and farms.

Total Estimated Number of Annual Respondents: 8,698.

Total Estimated Number of Annual Responses: 8,698.

Estimated Completion Time per Response: Varies from 15 minutes to 8 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 3,360.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: None.

Regulation/activity	Annual number of responses	Completion time per response (hours)	Total annual burden hours *
21.49—Airport Control Order *(Annual Report)*			
Private Sector	25	1.5	38
Government	25	1.5	38
21.50—Nest & Egg Depredation Order *(Initial Registration)*			
Individuals	126	0.5	63
Private Sector	674	0.5	337
Government	200	0.5	100
21.50—Nest & Egg Depredation Order *(Renew Registration)*			
Individuals	374	0.25	94
Private Sector	2,026	0.25	507
Government	600	0.25	150
21.50—Nest & Egg Depredation Order *(Annual Report)*			
Individuals	500	0.25	125
Private Sector	2,700	0.25	675

Regulation/activity	Annual number of responses	Completion time per response (hours)	Total annual burden hours *
Government	800	0.25	200
21.51—Agricultural Depredation Order *(Recordkeeping)*			
Private Sector	600	0.5	300
21.51—Agricultural Depredation Order *(Annual Report)*			
Government	20	8	160
21.52—Public Health Control Order			
Government	20	1	20
21.49, 21.50, 21.51, & 21.52—Report Take of Endangered Species			
Private Sector	2	0.25	1
21.61—Population Control Approval Request *(Annual Report and Recordkeeping)*			
Annual Report—Gov't Recordkeeping—Gov't	3 12	12 36	36
21.61—Population Control Approval Request *(Population and Distribution Estimates)*			
Government	3	160	480
Totals	*8,698*		*3,360*

* Rounded

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: April 3, 2018.

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2018–07046 Filed 4–5–18; 8:45 am]

BILLING CODE 4333—15—P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2018–0018]

Request for Feedback on BOEM's Proposed Path Forward for Future Offshore Renewable Energy Leasing on the Atlantic Outer Continental Shelf

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Request for feedback.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) invites the public to contribute to the development of a path forward for future renewable leasing offshore the United States Atlantic Coast. Thus far, BOEM has issued 13 commercial leases on the Atlantic from North Carolina to Massachusetts. BOEM is now conducting a high-level assessment of all waters offshore the United States Atlantic Coast for potential additional lease locations. BOEM proposes to rely on various factors described below to help it assess which geographic areas along the Atlantic are the most likely to have highest potential for successful offshore wind development in the next three to five years. BOEM is seeking input on all aspects of its proposed path forward, but particularly on the merits of these factors and any other factors BOEM should consider. This Atlantic assessment is intended to inform future area identification processes, not replace them. Accordingly, after reviewing the comments it receives pursuant to this notice, BOEM plans to coordinate with its intergovernmental renewable energy task forces, and conduct further stakeholder outreach as a part of its continuing area identification efforts.

DATES: Stakeholders should submit comments electronically or postmarked no later than May 21, 2018.

ADDRESSES: Comments should be submitted in one of the two following ways:

1. *Electronically: http://www.regulations.gov.* In the entry entitled, ''Enter Keyword or ID,'' search for BOEM–2018–0018. Follow the instructions to submit public comments in response to this document.

2. *Written Comments:* In written form, delivered by hand or by mail, enclosed in an envelope labeled, ''Comments on Request for Feedback'' to: Office of Renewable Energy Programs, Bureau of Ocean Energy Management, 45600 Woodland Road, VAM–OREP, Sterling, Virginia 20166.

FOR FURTHER INFORMATION CONTACT: Jeffrey Browning, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, VAM–OREP, Sterling, Virginia 20166, (703) 787–1577 or *Jeffrey.Browning@boem.gov;* Wright Frank, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, VAM–OREP, Sterling, Virginia 20166, (703) 787–1325 or *Wright.Frank@boem.gov.*

SUPPLEMENTARY INFORMATION:

Authority: This notice is published pursuant to subsection 8(p) of the Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1337(p)), added by section 388 of the Energy Policy Act of 2005, and the implementing regulations at 30 CFR 585.116.

Overview: In this notice, BOEM has initially identified the following factors to be considered in the analysis contemplated in this notice:

- Areas prohibited by the Outer Continental Shelf Lands Act (OCSLA) for leasing
- Department of Defense (DoD) conflict areas
- Maritime navigation conflict areas
- Areas not previously removed from BOEM leasing consideration
- Areas greater than 10 nautical miles from shore
- Areas shallower than 60 meters in depth
- Areas adjacent to states with offshore wind economic incentives
- Areas adjacent to states that have an interest in identifying additional lease areas
- Areas for which industry has expressed interest

BOEM is aware of many other factors that affect the appropriateness of offshore development, including commercial and recreational fisheries concerns, endangered species critical habitat, recreation and tourism, and other environmental and multiple use concerns. However, unlike the factors identified above, evaluation of these factors requires a detailed, site-specific analysis that would not be practicable on a landscape scale for the entire Atlantic Coast. Accordingly, these factors will be thoroughly evaluated on a case-by-case basis during future Calls for Information and Nominations and Area Identification stages of BOEM's leasing process. This Atlantic assessment, and the development of ''forecast areas'' as discussed below, will help identify areas where BOEM may focus its leasing efforts over the next three to five years as it collects more detailed, site-specific information to ensure responsible leasing and development of OCS renewable energy resources.

Background and Purpose: BOEM has now completed seven offshore wind lease sales for wind energy areas in the Atlantic Ocean offshore Massachusetts, Rhode Island, New York, New Jersey, Maryland, Virginia, and North Carolina. Each of these sales were the result of processes that BOEM undertook over a period of years to identify and reduce potential conflicts between offshore wind leases and incompatible ocean uses. BOEM has issued thirteen commercial leases (competitively or noncompetitively) in every state with territorial waters bordering the OCS from Massachusetts to North Carolina.

BOEM has received feedback from state and industry stakeholders requesting that BOEM propose additional lease areas. This feedback has been reinforced by increased competition in BOEM's most recent lease sales in New York and North Carolina, as well as a recent increase in the number of unsolicited lease applications submitted to BOEM. In addition, stakeholders have requested that BOEM evaluate the next phase of offshore wind leasing using a regional approach.

BOEM's intent in publishing this Notice is to start a conversation surrounding its approach to future renewable energy leasing on the Atlantic OCS. BOEM believes that additional areas of the Atlantic may be viable for responsible and informed commercial wind development. BOEM seeks input from stakeholders regarding areas where development may or may not be appropriate, and what factors BOEM should consider in the early stages of its future planning processes. This planning exercise is not a replacement for BOEM's existing area identification processes to determine Wind Energy Areas and issue leases through site-specific analysis and stakeholder outreach. BOEM will continue to pursue an area identification process in the future that is more narrowly focused on specifically bounded offshore areas, utilizing extensive analysis of site-specific conditions (*e.g.,* fisheries, navigation, seafloor conditions, etc.). Please refer to the following web page (*https://www.boem.gov/Renewable-Energy/Path-Forward/*) for details on other opportunities to comment on this Request for Feedback (RFF).

Proposed Factors for Identification of Offshore Wind Forecast Areas: BOEM has preliminarily identified factors that, in BOEM's experience, are likely to help it assess whether a given area is appropriate for offshore wind energy development. Applying these factors to the Atlantic OCS, BOEM plans to identify ''forecast areas'' along the Atlantic Coast that have the highest probability for offshore wind development. The forecast areas would be those geographic locations on the Atlantic OCS that have multiple *positive* factors (*i.e.,* factors that may facilitate offshore wind development), thereby indicating a strong likelihood that offshore wind leasing may be feasible in that area. Maps illustrating the application of each of the factors geographically are available at: *https://www.boem.gov/Renewable-Energy/Path-Forward/.*

Exclusionary Factors

The following factors would be considered exclusionary. At this time, BOEM would consider them as creating ''no-go'' areas for offshore wind.

OCSLA prohibited areas: Pursuant to the OCSLA, BOEM is prohibited from leasing within the exterior boundaries of a unit of the National Park System, National Wildlife Refuge System, National Marine Sanctuary System, or any National Monument.

DoD conflict areas: At this time, BOEM would not consider leasing areas in the Atlantic designated as ''red'' by the DoD in its color-coded assessments. DoD has designated these areas as incompatible with wind energy development because of potential conflicts with mission critical operations, training, or testing activities.

Maritime navigation conflict areas: At this time, BOEM would not consider leasing areas within official (*i.e.,* charted) marine vessel traffic routing measures. Later in the Area Identification process, BOEM would conduct a case-specific analysis of maritime vessel traffic information (*e.g.,* automatic identification system data) and might further refine and delineate areas of high traffic use outside of official traffic separation schemes and other routing measures.

Positive Factors

The factors discussed in this section would help BOEM identify the locations that would be considered more favorable for wind energy development. The greater the number of positive factors a location exhibits, the greater the likelihood that location would fall within a forecast area.

Areas not previously removed: Some areas of the OCS were removed from consideration for leasing in BOEM's past Area Identification processes for a variety of different reasons. In most cases, they were removed for reasons that remain applicable today, such as certain high value fishing areas off the coasts of Massachusetts and Rhode Island, essential fish habitat offshore New York, and vessel traffic offshore Maryland and New Jersey. Other areas of the OCS have not been removed from leasing consideration, primarily because they have not been previously evaluated, and may have potential for future wind energy development. The areas that have not been removed from leasing consideration previously are the focus of this factor. However, BOEM asks that stakeholders review the removed areas and comment if they believe BOEM should reconsider their prior removal.

Areas greater than 10 nautical miles (nm) from shore: BOEM recognizes that an offshore wind energy facility may present viewshed concerns for coastal stakeholders. In BOEM's previous area identification efforts, it has imposed

various buffer distances from shore to address concerns about potential visual impacts of wind development. The buffers are typically greater than or equal to 10 nm from shore. BOEM requests feedback on whether the 10 nm distance is a reasonable positive factor for this planning exercise.

Areas shallower than 60 meters (m) in depth: Although fixed-bottom substructures currently dominate the global offshore wind market, these structures may not be economically feasible in water depths exceeding 60 m. Therefore, BOEM has chosen 60 m depth as a factor in identifying forecast areas. However, BOEM recognizes the recent development of floating wind turbine technologies that may be deployed in deeper waters. BOEM is specifically requesting comments from stakeholders regarding 60 m depth as a positive factor for the appropriateness of an area for wind energy development, as well as the existence of specific areas or OCS blocks deeper than 60 m that may be appropriate for offshore renewable energy development.

Areas adjacent to states with offshore wind economic incentives: BOEM recognizes that offshore wind development incentives offered by coastal states, such as offshore renewable energy credits or other offtake mechanisms, influence the demand for such development. BOEM has identified the States of Maryland, Massachusetts, Rhode Island, New York, and New Jersey as examples of states that have either a legislative or policy mandate incentivizing additional offshore wind development. Power generation at locations within 60 nm of the coasts of these states may feed into their electric grids, and the state incentives therefore may facilitate offshore wind development.

Areas adjacent to states that have an interest in identifying additional lease areas: State interest in offshore renewable energy leasing has been an important element in BOEM's past identification of Wind Energy Areas. State interest is often expressed through active state engagement with stakeholders through BOEM intergovernmental task forces and other venues. Proactive efforts by coastal states to facilitate stakeholder engagement and discussion of key issues help inform BOEM's identification of Wind Energy Areas. BOEM has identified Massachusetts (only the remaining Massachusetts wind energy areas), New York, and South Carolina as states that have an established intergovernmental task force and are also facilitating stakeholder engagement in support of future offshore wind leasing. BOEM invites Atlantic Coast states to respond to this RFF by specifying their level of interest in future offshore wind leasing within OCS areas adjacent to their coastline.

Areas for which industry has expressed interest: This factor includes areas where offshore wind developers have expressed interest in leasing a specific location. BOEM received these expressions of interest either in response to a Call for Information and Nominations or via an unsolicited lease request. With respect to this factor, BOEM has received two unsolicited lease requests for two wind energy areas offshore Massachusetts (the same areas that did not receive bids in Lease Sale ATLW–4 on January 29, 2015); an unsolicited application for further development offshore New York; and expressions of commercial interest in areas that BOEM has identified offshore North and South Carolina (the Wilmington East and West Wind Energy Areas and the Grand Strand Call Area). As part of this RFF, BOEM requests that developers identify areas along the Atlantic Coast that may be of interest for future offshore wind leasing. This request is not a formal Request for Interest, but rather to inform BOEM's planning efforts for future potential offshore wind leasing.

Areas with resource and locational potential (potential factor): BOEM acknowledges that certain areas of the OCS may have greater commercial potential than others. As described in a recent March 2017 publication (located at *http://www.nrel.gov/docs/fy17osti/67675.pdf*), the National Renewable Energy Laboratory (NREL) has developed a model predicting the economic potential for specific portions of the OCS. BOEM has identified this as a potential additional factor and has not included it in the evaluation of forecast areas at this time. We are requesting comments on the utility of this study in our planning efforts—and, in particular, which parameter(s) of the NREL models (energy potential, levelized cost of electricity, etc.), if any, would be the most useful in identifying forecast areas.

BOEM is aware of many other factors that affect the appropriateness of offshore development, including commercial and recreational fisheries concerns, endangered species critical habitat, recreation and tourism, and other environmental and multiple use concerns. However, these factors are typically site-specific and will be thoroughly evaluated on a case-by-case basis during any future Calls for Information and Nominations and subsequent Area Identification stages of BOEM's leasing process. BOEM will consider the information received in response to this RFF to finalize the factors it will consider when assessing the areas within which BOEM will focus future planning and leasing efforts. A map of all factors applied to the waters offshore the Atlantic Coast is available at: *https://www.boem.gov/Renewable-Energy/Path-Forward/*.

Separately, BOEM will continue to consider unsolicited lease requests pursuant to 30 CFR 585.230 for areas both inside and outside of the forecast areas.

Regional Ocean Plans and Data Portals: BOEM encourages commenters to consult the Northeast and Mid-Atlantic Ocean Data Portals, which are key components of the Northeast and Mid-Atlantic Ocean Plans developed by the intergovernmental Regional Planning Bodies (RPB). These data portals are located at *http://www.northeastoceandata.org/data-explorer/* and *http://portal.midatlanticocean.org/*. BOEM believes the use of the Data Portals will lead to a better shared understanding of who or what might be affected by a given proposed activity. In addition to the maps characterizing existing energy and infrastructure activities, the Data Portals contain a range of maps of marine life, habitat areas, cultural resources, transportation, fishing, and other human uses to be considered when new energy or other infrastructure developments are proposed. The Data Portals also help to identify important user groups for further engagement by BOEM during the leasing process, such as commercial and recreational fishermen, commercial transportation providers, and the military, who are most likely to interact with new offshore energy developments.

Protection of Privileged or Confidential Information: BOEM will protect privileged or confidential information that you submit, as provided in the Freedom of Information Act (FOIA). Exemption 4 of FOIA applies to trade secrets and commercial or financial information. If you wish to protect the confidentiality of such information, clearly mark it and request that BOEM treat it as confidential. BOEM will not disclose such information, except as provided in FOIA. Please label privileged or confidential information ''Contains Confidential Information'' and consider submitting such information as a separate attachment.

BOEM will not treat as confidential any aggregate summaries of such information or comments not containing such information. Additionally, BOEM may not treat as confidential the legal

title of the commenting entity (*e.g.,* the name of your company). Information that is not labeled as privileged or confidential may be regarded by BOEM as suitable for public release.

Dated: April 3, 2018.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2018–07106 Filed 4–4–18; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[MMAA104000; OMB Control Number 1010–0072; Docket ID: BOEM–2017–0016]

Agency Information Collection Activities; Prospecting for Minerals Other Than Oil, Gas, and Sulphur on the Outer Continental Shelf and Authorizations of Noncommercial Geological and Geophysical Activities

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Ocean Energy Management (BOEM) is proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before June 5, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to the BOEM Information Collection Clearance Officer, Anna Atkinson, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166; or by email to *anna.atkinson@boem.gov*. Please reference OMB Control Number 1010–0072 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Anna Atkinson by email, or by telephone at 703–787–1025.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of BOEM? (2) Will this information be processed and used in a timely manner? (3) Is the estimate of burden accurate? (4) How might BOEM enhance the quality, utility, and clarity of the information to be collected? and (5) How might BOEM minimize the burden of this collection on the respondents, including minimizing the burden through the use of information technology?

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB for approval of this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The information collection request concerns the paperwork requirements in the regulations under 30 CFR part 580, Prospecting for Minerals Other than Oil, Gas, and Sulphur on the Outer Continental Shelf (OCS), as well as authorizations of noncommercial geological and geophysical (G&G) prospecting and scientific research activities issued pursuant to Section 11 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 *et seq.,* and 43 U.S.C. 1801 *et seq.*).

The OCS Lands Act authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of mineral resources on the OCS. Section 1337(k)(1) of the OCS Lands Act authorizes the Secretary ''. . . to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding leases of any mineral other than oil, gas, and sulphur in any area of the [O]uter Continental Shelf not then under lease for such mineral upon such royalty, rental, and other terms and conditions as the Secretary may prescribe at the time of offering the area for lease.''

Section 1340(a)(1) of the OCS Lands Act states that ''. . . any person authorized by the Secretary may conduct geological and geophysical explorations in the [O]uter Continental Shelf, which do not interfere with or endanger actual operations under any lease maintained or granted pursuant to this subchapter, and which are not unduly harmful to aquatic life in such area.'' Under 30 CFR part 580, G&G exploration to be performed by any person on unleased lands or lands under lease to a third party requires issuance of a BOEM permit or submission of a scientific research notice. Section 1340(g) further requires that permits for geologic exploration will only be issued if it is determined that the applicant for such permit is qualified; the exploration will not interfere with or endanger operations under any lease; and the exploration will not be unduly harmful to aquatic life in the area, result in pollution, create hazardous or unsafe conditions, unreasonably interfere with other uses of the area, or disturb any site, structure, or object of historical or archaeological significance.

Prospecting for marine minerals includes certain aspects of exploration as defined in the OCS Lands Act at 43 U.S.C. 1331(k). That section defines the term ''exploration'' to mean the process of searching for minerals, including ''geophysical surveys where magnetic, gravity, seismic, or other systems are used to detect or characterize the presence of such minerals. . . .''

As a Federal agency, BOEM has a responsibility to comply with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), Endangered Species Act (16 U.S.C. 1531 *et seq.*), and Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), among other environmental laws. Compliance with the Endangered Species Act includes a substantive duty to carry out any agency action in a manner that is not likely to jeopardize protected species or result in adverse modification of designated critical habitat, as well as a procedural duty to consult with the United States Fish and Wildlife Service and National Oceanic and Atmospheric Administration Fisheries before engaging in a discretionary action that may affect a protected species.

Respondents are required to submit form BOEM–0134 to provide the information necessary to evaluate their request to conduct G&G prospecting, exploration or scientific research activities, and upon approval, respondents are issued a permit or authorization. BOEM uses the information to ensure there is no adverse effect to the marine, coastal, or human environment, personal harm, unsafe operations and conditions, or unreasonable interference with other uses; to analyze and evaluate preliminary or planned mining

activities; to monitor progress and activities in the OCS; to acquire G&G data and information collected under a Federal permit offshore; and to determine eligibility for reimbursement from the Government for certain costs.

BOEM uses the information collected to understand the G&G characteristics of marine mineral-bearing physiographic regions of the OCS. The information aids BOEM in analyzing and weighing the potential for environmental damage, the discovery of marine minerals, and any associated impacts on affected coastal States.

The Independent Offices Appropriations Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (Pub. L. 104–133, 110 Stat. 1321, April 26, 1996), and the OMB Circular A–25 authorize Federal agencies to recover the full cost of services that confer special benefits. Accordingly, all G&G permits for commercial prospecting are subject to cost recovery, and BOEM regulations at 30 CFR 580.12 specify the service fees for these requests.

BOEM protects proprietary information in accordance with the Freedom of Information Act (5 U.S.C. 552) and the Department of the Interior's implementing regulations (43 CFR part 2), and under regulations at 30 CFR 580.70, applicable sections of 30 CFR parts 550 and 552.

Title of Collection: 30 CFR 580, Prospecting for Minerals other than Oil, Gas, and Sulphur on the Outer Continental Shelf and Authorizations of Noncommercial Geological and Geophysical Activities.

OMB Control Number: 1010–0072.

Form Number: BOEM–0134, Requirements for Geological and Geophysical Prospecting, Exploration, or Scientific Research on the Outer Continental Shelf Related to Minerals Other than Oil, Gas, and Sulphur.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Permittees/respondents, including those required to only file notices (scientific research).

Total Estimated Number of Annual Responses: 38 responses.

Total Estimated Number of Annual Burden Hours: 485 hours.

Respondent's Obligation: Mandatory or Required to Obtain or Retain a Benefit.

Frequency of Collection: On occasion, annual, or as specified in permits.

Total Estimated Annual Non-hour Burden Cost: $4,024.

Estimated Reporting and Recordkeeping Hour Burden: We expect the burden estimate for the renewal will be 485 hours, a decrease of 3 burden hours.

In calculating the burden, requesting Governor(s) comments on activities pursuant to 30 CFR 580.31(b) and 30 CFR 580.73 does not constitute information collection under 5 CFR 1320.3(h)(4). These requests for comment are general solicitations of public comment, so BOEM has removed the three burden hours associated with this burden.

The following table details the individual BOEM components and respective burden hours of this ICR. In calculating the burden hours, we assumed that respondents perform certain usual and customary requirements in the normal course of their activities.

BURDEN TABLE

Citation 30 CFR part 580, as applicable	Reporting and recordkeeping requirements	Hour burden	Average number of annual responses	Annual burden hours
		Non-Hour Cost Burden [1]		
Subpart B				
10; 11(a); 12; 13; Permit Form.	Apply (Form BOEM–0134) for permit or authorization to conduct G&G prospecting or exploration for mineral resources or notice to conduct scientific research on the OCS. Provide notifications & additional information as required.	88	2 permits 2 authorizations	176 176
			$2,012 permit application fee × 2 permits [2] = $4,024	
11(b); 12(c)	File notice to conduct scientific research activities related to hard minerals, including notice to BOEM prior to beginning and after concluding activities..	8	3 notices	24
Subtotal			7 Responses	376
			$4,024 Non-Hour Cost Burden	
Subpart C				
21(a)	Report to BOEM if hydrocarbon/other mineral occurrences are detected; if environmental hazards that imminently threaten life and property are detected; or adverse effects occur to the environment, aquatic life, archaeological resources or other uses of the area.	1	1 report	1
22	Submit written request for approval to modify operations, with required information.	1	2 requests	2

BURDEN TABLE—Continued

Citation 30 CFR part 580, as applicable	Reporting and recordkeeping requirements	Hour burden	Average number of annual responses	Annual burden hours
		Non-Hour Cost Burden [1]		
23(b)	Request reimbursement for food, quarters, and/or transportation expenses for BOEM inspection.	1	3 requests	3
24	Submit status and final reports on specified schedule with daily log.	12	4 reports	48
28	Request relinquishment of permit by certified or registered mail.	1	1 relinquishment [3]	1
31(b); 73(a)(b)	Governor(s) of adjacent State(s) submit to BOEM: comments on activities involving an environmental assessment; any agreement between Governor and Secretary upon Governor's request for proprietary data, information, and samples; and any disclosure agreement.	Not considered IC as defined in 5 CFR 1320.3(h)(4)		0
33, 34	Appeal civil penalty; appeal order or decision	Burden exempt under 5 CFR 1320.4(a)(2); (c).		0
Subtotal			11 Responses	55
	Subpart D			
40; 41; 50; 51; Permit Form.	Notify BOEM and submit G&G data including analysis, processing or interpretation of information collected under a permit and/or processed by permittees or 3rd parties, including reports, logs or charts, results, analyses, descriptions, etc., as required.	8	3 submissions	24
42(b); 52(b)	Advise 3rd party recipient in writing that it assumes obligations as condition precedent of sale—no submission to BOEM is required.	½	4 notices	2
42(c), (d); 52(c), (d)	Written notification to BOEM of sale, trade, transfer or licensing of data and identify recipient.	1	1 notice	1
60; 61	Request reimbursement for costs of reproducing data/information & certain processing costs.	1	1 request [3]	1
70	Enter disclosure agreement.	4	1 agreement	4
72(b)	Submit comments on BOEM's intent to disclose data/information for reproduction, processing, and interpretation.	4	1 response	4
72(d)	Independent contractor or agent prepares and signs written commitment not to sell, trade, license, or disclose data/information without BOEM approval.	4	2 submissions	8
Subtotal			13 Responses	44
	General			
Part 580	General departure and alternative compliance requests not specifically covered elsewhere in Part 580 regulations..	4	1 request	4
Permits [4]	Request extension of permit/authorization time period.	1	2 extensions	2
Permits [4]	Retain G&G data/information for 10 years and make available to BOEM upon request.	1	4 respondents	4
Subtotal			7 Responses	10
Total Burden			38 Responses	485

BURDEN TABLE—Continued

Citation 30 CFR part 580, as applicable	Reporting and recordkeeping requirements	Hour burden	Average number of annual responses	Annual burden hours
		Non-Hour Cost Burden [1]		
			$4,024 Non-Hour Cost Burdens	

[1] Fees are subject to modification per inflation annually.
[2] Only permits, not authorizations, are subject to cost recovery.
[3] No requests received for many years. Minimal burden for regulatory (PRA) purposes only.
[4] These permits/authorizations are prepared by BOEM and sent to respondents; therefore, the forms themselves do not incur burden hours.

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: April 2, 2018.

Deanna Meyer-Pietruszka,

Chief, Office of Policy, Regulations, and Analysis.

[FR Doc. 2018–07004 Filed 4–5–18; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–860 (Third Review)]

Tin- and Chromium-Coated Steel Sheet From Japan; Revised Schedule for Full Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: Date of Approval.

FOR FURTHER INFORMATION CONTACT: Robert Casanova (202–708–2719), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On October 20, 2017, the Commission initially established a schedule for conducting the full five-year review (82 FR 49661, October 26, 2017). The Commission is revising its schedule.

The Commission's new schedule for the review is as follows: supplemental comments are due on May 4, 2018; the Commission will make its final release of information on May 18, 2018; and parties may submit final comments on this information on or before May 25, 2018.

The Commission invites all parties to provide comments limited only to the extent to which tariffs resulting from the Section 232 investigations and the White House proclamations on aluminum and steel imports (and country exemptions from those tariffs) should be considered as relevant economic factors in the Commission's evaluation of the likely impact of subject imports on the domestic industry producing tin- and chromium-coated steel sheet. All parties must file a confidential version of its submission with the Secretary and serve all APO parties on or before May 4 and a public version must be filed with the Secretary no later than the close of business on the following day. The submission must be limited to no more than ten pages of material and ten pages of exhibits.

For further information concerning this review see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

The Commission has determined this review is extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: April 3, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–07098 Filed 4–5–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Portable Gaming Console Systems with Attachable Handheld Controllers and Components Thereof, DN 3305;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.*

Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Gamevice, Inc. on April 2, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain portable gaming console systems with attachable handheld controllers and components thereof. The complaint names as respondents: Nintendo Co. Ltd. of Japan and Nintendo of America, Inc. of Redmond, WA. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3305) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electonic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: April 3, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–07096 Filed 4–5–18; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov*

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Human Milk Oligosaccharides and Methods of Producing the Same, DN 3306;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov* . The public record for this investigation may

be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Glycosyn LLC. on April 2, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain human milk oligosaccharides and methods of producing the same. The complaint names as respondents: Jennewein Biotechnologie GmbH of Germany and DKSH North America, Inc. of Mount Olive, NJ. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3306) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electonic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel [2], solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: April 3, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–07097 Filed 4–5–18; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0022]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change of a Currently Approved Collection; Federal Explosives License/Permit (FEL) Renewal Application—ATF Form 5400.14/5400.15 Part III

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.

DATES: Comments are encouraged and will be accepted for 60 days until June 5, 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 Shawn Stevens, Federal

Explosives Licensing Center, either by mail at 244 Needy Road, Martinsburg, WV 25405, by email *Shawn.Stevens@atf.gov,* or by telephone at (304) 616–4421.

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):* Extension, without change, of a currently approved collection.

2. *The Title of the Form/Collection:* Federal Explosives License/Permit (FEL) Renewal Application.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF Form 5400.14/5400.15 Part III.

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): Federal Government, State, Local, or Tribal Government.

Abstract: Licenses or permits are issued for a specific period of time and are renewable upon the same conditions as the original license or permit. In order to continue uninterruptedly in these activities, licenses and permits can be renewed by filing a short renewal application.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 2,500 respondents will respond once to this information collection, and it will take each respondent approximately 20 minutes to provide 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 825 hours, which is equal to 2,500 (total # of responses) *.33 (20 minutes per each response.).

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: April 3, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–07104 Filed 4–5–18; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0060]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Firearms Disabilities for Nonimmigrant Aliens

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 information collection OMB Number 1140–0060 (Firearms Disabilities for Nonimmigrant Aliens), is being revised due to a reduction in burden, since there is a decrease in the number of respondents, response time, and total burden hours from the previous renewal in 2015. 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 5, 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 L. William Babbie, ATF Firearms & Explosives Industry Division either by mail at 99 New York Avenue NE, Washington, DC 20226, by email at *fipb-informationcollection@atf.gov,* or by telephone at 202–648–7252.

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:* Firearms Disabilities for Nonimmigrant Aliens.

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: The nonimmigrant alien information is used to determine if a nonimmigrant alien is eligible to obtain a Federal firearms license and purchase, obtain, possess, or import a firearm. Nonimmigrant aliens also must maintain the documents while in possession of firearms or ammunition in the United States for verification purposes.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 1,434 respondents will respond once to this information collection, and it will take each respondent approximately 4.08 minutes to provide their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 98 hours, which is equal to 1,434 (# of responses) * .068 hours (4.08 minutes).

7. *An Explanation of the Change in Estimates:* The decrease in the total number of respondents by 14, 347, the time taken for each response by 2 minutes, as well as a reduction in total burden 1,489 respectively, is due to the change in methodology used to calculate the current public burden, which differs from that which was used during the previous renewal in 2015.

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: April 3, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–07095 Filed 4–5–18; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Safe Drinking Water Act

On March 28, 2018, the Department of Justice lodged a Consent Decree with defendant Beaverhead County Jackson Water and/or Sewer District (''Beaverhead'') in the United States District Court for the District of Montana. The Consent Decree resolves claims under Sections 1412 and 1414(b) of the Safe Drinking Water Act (''SDWA''), 42 U.S.C. 300g–1 and 300g–3(b), for violations of certain National Primary Drinking Water Regulations (''NPDWRs'') in the public water supply system in Beaverhead County, Montana. The Complaint filed concurrently with the Consent Decree alleges that Beaverhead owned and/or operated a public water system and failed to comply with maximum contaminant levels and monitoring and reporting requirements. The proposed Consent Decree obligates Beaverhead to achieve and maintain continual, long-term compliance with the NPDWRs and state drinking water regulations.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America* v. *Beaverhead County Jackson Water and/or Sewer District,* Civil Action No. 2:18–cv–00023 (D. Mont.), DOJ number 90–5–1–1–11445. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $6.25 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $5.50.

Robert Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2018–07067 Filed 4–5–18; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under The Clean Water Act

On April 2, 2018, the Department of Justice (DOJ) lodged a proposed Consent Decree with the United States District Court for the Northern District of Indiana in *United States and State of Indiana* v. *United States Steel Corporation,* Civil Action No. 2:18–cv–00127. The lodging of the proposed Decree immediately followed DOJ's filing in the same court of a civil complaint (Complaint) against United States Steel Corporation (U.S. Steel).

The proposed Consent Decree resolves Clean Water Act and Emergency Planning and Community Right-to-Know Act claims in the Complaint by the United States on behalf of the U.S. Environmental Protection Agency (EPA), the National Park Service (NPS), and the National Oceanic and Atmospheric Administration (NOAA), and by Co-Plaintiff the State of Indiana (State) on behalf of the Indiana Department of Environmental Management and the Indiana Department of Natural Resources. Under the proposed Decree, U.S. Steel agrees, among other things, to undertake measures to improve its wastewater processing monitoring system at its steel manufacturing and finishing facility, known as the Midwest Plant, in Portage, Indiana. U.S. Steel also agrees to pay a civil penalty to EPA and the State and to reimburse EPA and the NPS for response costs incurred as a result of an April 2017 spill of wastewater containing hexavalent chromium. U.S. Steel will also pay costs to NOAA for assessing natural resource damages due to the April 2017 spill, and damages to NPS resulting from the closure of several beaches along the Indiana Dunes National Lakeshore due to the spill.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States et al* v. *United States Steel Corporation,* D.J. Ref. No. 90–5–2–1–06476/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*

To submit comments:	*Send them to:*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611 Washington, D.C. 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: *http://www.justice.gov/enrd/consent-decrees.*

We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $14.25 (25 cents per page reproduction cost), payable to the United States Treasury.

Randall M. Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2018–07077 Filed 4–5–18; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Innovation and Opportunity Act; Native American Employment and Training Council

AGENCY: Employment and Training Administration, U.S. Department of Labor.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to Section 10 (a)(2) of the Federal Advisory Committee Act (FACA) (Pub. L. 92–463), as amended, and Section 166 (i)(4) of the Workforce Innovation and Opportunity Act (WIOA), notice is hereby given of the next meeting of the Native American Employment and Training Council (Council), as constituted under WIOA.

DATES: The meeting will begin at 9:00 a.m., (Eastern Daylight Time) on Tuesday, April 24, 2018, and continue until 5:00 p.m., that day. The meeting will reconvene at 9:00 a.m., on Wednesday, April 25, 2018 and adjourn at 5:00 p.m., that day. The period from 3:00 p.m., to 5:00 p.m., on April 24, 2018 is reserved for participation and comment by members of the public.

ADDRESSES: The meeting will be held at the U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue NW, Room N–5437 A, B, & C, Washington, DC 20210.

SUPPLEMENTARY INFORMATION: Council members and members of the public are encouraged to arrive early to allow for security clearance into the Frances Perkins Building.

Security Instructions: Meeting participants should use the visitors' entrance to access the Frances Perkins Building, one block north of Constitution Avenue at 3rd and C Streets NW. For security purposes, meeting participants must:

1. Present a valid photo ID to receive a visitor badge.

2. Know the name of the event being attended: The meeting event is the Native American Employment and Training Council (NAETC).

Visitor badges are issued by the security officer at the visitor entrance located at 3rd and C Streets NW after the visitor proceeds through the security screening. When receiving a visitor badge, the security officer will retain the visitor's photo ID until the visitor badge is returned to the security desk. Laptops and other electronic devices may be inspected and logged for identification purposes. Due to limited parking options, DC Metro's Judiciary Square station is the easiest way to access the Frances Perkins Building.

The meeting will be open to the public.

Members of the public not present may submit a written statement by April 20, 2018, to be included in the record of the meeting. Statements are to be submitted to Athena R. Brown, Designated Federal Officer (DFO), U.S. Department of Labor, 200 Constitution Avenue NW, Room S–4209, Washington, DC 20210. Persons who need special accommodations should contact Craig Lewis at (202) 693–3384, at least two business days before the meeting. The formal agenda will focus on the following topics: (1) WIOA Implementation, including Performance Indicators; (2) Administrative and Financial Reporting; (3) Four-Year Strategic Planning; (4) Update on Public Law 102–477; (5) Council Expirations and Nominations Updates; (5) Census Updates; (6) Council and Workgroup Updates and Recommendations; (7) New Business and Next Steps; and (8) Public Comment.

FOR FURTHER INFORMATION CONTACT: Athena R. Brown, DFO, Division of Indian and Native American Programs, Employment and Training Administration, U.S. Department of Labor, Room S–4209, 200 Constitution Avenue NW, Washington, DC 20210. Telephone number (202) 693–3737 (VOICE) (this is not a toll-free number).

Rosemary Lahasky,

Deputy Assistant Secretary, Employment and Training Administration.

[FR Doc. 2018–07000 Filed 4–5–18; 8:45 am]

BILLING CODE 4501–FR–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting: Board of Directors and Its Six Committees

AGENCY: Legal Services Corporation.

ACTION: Change Notice.

SUMMARY: On April 2, 2018, the Legal Services Corporation (LSC) published a notice in the **Federal Register** (83 FR 14060) titled ''Board of Directors and its Six Committees will meet on April 8–10, 2018, Eastern Standard Time (EST)''. A correction to change the Audit Committee Open Session Agenda scheduled for Monday, April 9, 2018 by moving item #6 (Pursuant to Section VIII(A)(6) of the Committee Charter, review and discuss with LSC Management assessment regarding financial business processes) to the Close Session Agenda; all other items remain consecutively the same. This document changes the notice by revising the Audit Committee Open Session Agenda by moving item #6 to the Close Session of the Agenda.

CHANGES IN THE MEETING: Moving #6 of the Audit Committee Open Session Agenda to the Close Session Agenda.

—Item #6 of the Agenda: Pursuant Section VIII(A)(6) of the Committee Charter, review and discuss with LSC Management assessment regarding financial business processes

DATES: This change is effective April 2, 2018.

FOR FURTHER INFORMATION CONTACT: Katherine Ward, Executive Assistant to the Vice President for Legal Affairs and General Counsel, Legal Services Corporation, 3333 K Street NW, Washington, DC 20007; (202) 295–1500; *kward@lsc.gov.*

Dated: April 4, 2018.

Katherine Ward,

Executive Assistant to the Vice President for Legal Affairs and General Counsel.

[FR Doc. 2018–07162 Filed 4–4–18; 11:15 am]

BILLING CODE 7050–01–P

OFFICE OF MANAGEMENT AND BUDGET

Request for Comments on Identity, Credential, and Access Management (ICAM)

AGENCY: Office of Management and Budget.

ACTION: Notice of public comment period.

SUMMARY: The Office of Management and Budget (OMB) is seeking public comment on a draft memorandum titled ''*Strengthening the Cybersecurity of Federal Agencies through Improved Identity, Credential, and Access Management.*''

DATES: The public comment period on the draft memorandum begins on April 6, 2018 in the **Federal Register** and will last for 30 days. The public comment period will end on May 6, 2018.

ADDRESSES: Interested parties should provide comments at the following link: *https://policy.cio.gov/identity-draft.* The Office of Management and Budget is located at 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jordan Burris at *ofcio@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) is proposing a new policy for identity, credential, and access management (ICAM) across the Federal enterprise. This memorandum would establish new government-wide responsibilities for the Department of Commerce (DOC), the General Services Administration (GSA), the Department of Homeland Security (DHS), and the Office of Personnel Management (OPM) and provide agencies with implementation guidance on the requirements defined in National Institute of Standards and Technology (NIST) Special Publication 800–63–3. It would also reduce the policy compliance burden to agencies by rescinding and replacing five older memoranda, which collectively outline direction to agencies related to E-Authentication and acceptance of external credentials, among other matters.

Margaret H. Graves,

Deputy U.S. Federal Chief Information Officer.

[FR Doc. 2018–07045 Filed 4–5–18; 8:45 am]

BILLING CODE 3110–05–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Modification Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Modification Request Received and Permit Issued.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of requests to modify permits issued to conduct activities regulated and permits issued under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of a requested permit modification and permit issued.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; 703–292–8224; email: *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: The National Science Foundation (NSF), as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 45 CFR 671), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection.

NSF issued a permit (ACA 2017–013) to George Watters on October 21, 2016. The issued permit allows the applicant to conduct waste management associated with ship- and shore-based research and logistic activities conducted by the National Oceanic and Atmospheric Administration's (NOAA) Antarctic Marine Living Resources (AMLR) Program. The permit covers the deployment of a variety of oceanographic instruments.

Now the applicant proposes a permit modification to provide further details about two types of oceanographic instruments that would be deployed during future research cruises. Up to six moorings would be deployed, as described in the original permit, and up to three Slocum gliders would be deployed and retrieved. The Environmental Officer has reviewed the modification request and has determined that the amendment is not a material change to the permit, and it will have a less than a minor or transitory impact.

Dates of permitted activities: March 30, 2018—July 30, 2021.

The permit modification was issued on March 30, 2018.

Nadene Kennedy,

Polar Coordination Specialist, Office of Polar Programs.

[FR Doc. 2018–07099 Filed 4–5–18; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–285; NRC–2018–0068]

Omaha Public Power District; Fort Calhoun Station, Unit No. 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued exemption from certain requirements to maintain financial protection from offsite liability for the Fort Calhoun Station (FCS) in response to a request from Omaha Public Power District (OPPD or the licensee) dated April 28, 2017. Specifically, OPPD requested an exemption from regulatory requirements to permit OPPD to reduce the required level of primary financial protection from $450 million to $100 million and to withdraw from participation in the secondary layer of financial protection.

DATES: The exemption was issued on March 29, 2018.

ADDRESSES: Please refer to Docket ID NRC–2018–0068 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–2018–0068. 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: James S. Kim, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–4125, email: *James.Kim@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated at Rockville, Maryland, this 3rd day of April, 2018.

For the Nuclear Regulatory Commission.

James S. Kim,

Project Manager, Special Projects and Process Branch, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment—Exemption

NUCLEAR REGULATORY COMMISSION

Docket No. 50–285

Omaha Public Power District

Fort Calhoun Station, Unit No. 1

Exemption

I. Background.

The Fort Calhoun Station, Unit 1 (FCS) site is located midway between Fort Calhoun and Blair, Nebraska, on the west bank of the Missouri River. The FCS facility includes one Combustion Engineering pressurized water reactor licensed to operate at power levels not to exceed 1500 megawatts thermal. The distance from the reactor containment to the nearest site boundary is approximately 910 meters (.6 miles). Except for the city of Blair and the villages of Fort Calhoun and Kennard, the land use within the 10-mile radius of FCS is devoted to general farming.

Omaha Public Power District (OPPD) is the holder of Renewed Facility Operating License No. DPR–40. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the NRC now or hereafter in effect.

By letter dated June 24, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16176A213), OPPD submitted a certification pursuant to part 50 of title 10 of the *Code of Federal Regulations* (10 CFR) paragraph 50.82(a)(1)(i) to the NRC indicating that it would permanently shut down FCS by December 31, 2016. On October 24, 2016, OPPD permanently ceased power operations at FCS. On November 13, 2016, OPPD submitted a certification pursuant to 10 CFR 50.82(a)(1)(ii) that it had permanently removed all fuel from the FCS reactor vessel and placed the fuel into the FCS spent fuel pool (SFP) (ADAMS Accession No. ML16319A254). Accordingly, upon docketing the certificates pursuant to 10 CFR 50.82(a)(2), the FCS renewed facility operating license no longer authorized operation of the reactor or emplacement or retention of fuel in the reactor vessel. However, the licensee remains authorized to possess and store irradiated nuclear fuel. Irradiated fuel is currently being stored onsite in a SFP and in independent spent fuel storage installation (ISFSI) dry casks.

II. Request/Action.

Under 10 CFR 50.12, ''Specific exemptions,'' OPPD has requested an exemption from 10 CFR 50.54(w)(1) by a letter dated April 28, 2017 (ADAMS Accession No. ML17118A337). The exemption from the requirements of 10 CFR 50.54(w)(1) would permit OPPD to reduce its onsite property damage insurance to $50 million.

The regulation in 10 CFR 50.54(w)(1) requires each licensee to have and maintain onsite property damage insurance to stabilize and decontaminate the reactor and reactor site in the event of an accident. The onsite insurance coverage must be either $1.06 billion or whatever amount of insurance is generally available from private sources (whichever is less).

The licensee stated that the risk of an accident at a permanently shutdown and defueled reactor is much less than the risk from an operating power reactor. Since the license no longer authorizes reactor operation or emplacement or retention of fuel in the reactor vessel at FCS, there are no events that would require the stabilization of reactor conditions after an accident. Similarly, the risk of an accident that would result in significant onsite contamination at FCS is also much lower than the risk of such an event at an operating reactor. Therefore, OPPD requested an exemption from 10 CFR 50.54(w)(1) effective April 7, 2018, that would permit a reduction in its onsite property damage insurance from $1.06 billion to $50 million, commensurate with the reduced risk of an accident at the permanently shutdown and defueled FCS reactor.

III. Discussion.

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when 1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and 2) any of the special circumstances listed in 10 CFR 50.12(a)(2) are present.

The financial protection limits of 10 CFR 50.54(w)(1) were established after the Three Mile Island accident out of concern that licensees may be unable to financially cover onsite cleanup costs in the event of a major nuclear accident. The specified $1.06 billion coverage requirement was developed based on an analysis of an accident at a nuclear reactor operating at power, resulting in a large fission product release and requiring significant resource expenditures to stabilize the reactor conditions and ultimately decontaminate and cleanup the site.

The NRC developed these cost estimates from the spectrum of postulated accidents for an operating nuclear reactor and the consequences of any associated release of radioactive material from the reactor. Although the risk of an accident at an operating reactor is very low, the consequences can be large. In an operating reactor, the high temperature and pressure of the reactor coolant system (RCS), as well as the inventory of relatively short-lived radionuclides, contribute to both the risk and consequences of an accident. With the permanent cessation of reactor operations at FCS and the permanent removal of the fuel from the reactor core, such accidents are no longer possible. As a result, the reactor, RCS, and supporting systems no longer operate and, therefore, have no function related to the storage of the irradiated fuel. Hence, postulated accidents involving failure or malfunction of the reactor, RCS, or supporting systems are no longer applicable.

During reactor decommissioning, the principal radiological risks are associated with the storage of spent fuel onsite. In its December 16, 2016 (ADAMS Accession No. ML16356A578), exemption request, OPPD describes both design-basis and beyond-design-basis events involving irradiated fuel stored in the SFP. The staff independently evaluated the offsite consequences associated with various decommissioning activities, design basis accidents, and beyond design basis accidents at FCS, in consideration of its permanently shut down and defueled status. The possible design-basis and beyond design basis accident scenarios at FCS show that the radiological consequences of these accidents are greatly reduced at a permanently shut down and defueled reactor, in comparison to a fueled reactor. Further, the staff has used the offsite radiological release limits established by the U.S. Environmental Protection Agency (EPA) early-phase Protective Action Guidelines (PAGs) of one roentgen equivalent man (rem) at the exclusion area boundary in determining that any possible radiological releases would be minimal and would not require precautionary protective actions (*e.g.,* sheltering in place or evacuation).

The staff evaluated the radiological consequences associated with various decommissioning activities, and design basis accidents at FCS, in consideration of permanently shut down and defueled status of FCS. The only design-basis accidents that could potentially result in an offsite radiological release at FCS, following its permanent shutdown and defueling, are the Fuel Handling Accident (FHA) and rupture of a large liquid radioactive waste tank. OPPD performed an analysis demonstrating that 10 days after shutdown, the radiological consequences of a FHA would not exceed the limits established by the EPA PAGs at the exclusion area boundary. In case of a rupture of a large liquid radioactive waste tank in the December 16, 2016 letter, the FCS radioactive waste disposal system is designed such that any spillage or leakage of radioactive waste would be retained within the facility. After 18 months of decay, the only isotope

remaining in significant amounts, among those postulated to be released from the gaseous release associated with a liquid waste tank failure (LWTF), would be Krypton 85. The resulting skin dose from the release of Krypton 85 would make an insignificant contribution to the total effective dose equivalent, which is the parameter of interest in the determination of EPA PAGs for sheltering or evacuation. Accordingly, based on the time that FCS has been permanently shutdown (approximately 18 months), the staff has determined that the possibility of an offsite radiological release from design-basis accidents that could exceed the EPA PAGs has been eliminated.

The only beyond design-basis event that has the potential to lead to a significant radiological release at a permanently shut down and defueled (decommissioning) reactor is a zirconium fire. The zirconium fire scenario is a postulated, but highly unlikely, accident scenario that involves the loss of water inventory from the SFP, resulting in a significant heat-up of the spent fuel and culminating in substantial zirconium cladding oxidation and fuel damage. The probability of a zirconium fire scenario is related to the decay heat of the irradiated fuel stored in the SFP. Therefore, the risks from a zirconium fire scenario continue to decrease as a function of the time that FCS has been permanently shut down.

The NRC previously determined that a lesser amount of onsite property damage insurance coverage can be authorized based on analysis of the zirconium fire risk. In response to SECY–96–256, ''Changes to Financial Protection Requirements for Permanently Shutdown Nuclear Power Reactors, 10 CFR 50.54(w)(1) and 10 CFR 140.11,'' dated December 17, 1996 (ADAMS Accession No. ML15062A483), the Commission issued Staff Requirements Memorandum dated January 28, 1997 (ADAMS Accession No. ML15062A454), and supported the staff's recommendation that, among other things, would allow permanently shutdown power reactor licensees to reduce commercial onsite property damage insurance coverage to $50 million when the licensee was able to demonstrate the technical criterion that the spent fuel could be air-cooled if the SFP was drained of water and to account for the postulated rupture of a large liquid radiological waste tank at the FCS site, should such an event occur. The staff has used this technical criterion to grant similar exemptions to other decommissioning reactors (*e.g.,* Maine Yankee Atomic Power Station, published in the **Federal Register** on January 19, 1999 (64 FR 2920); Zion Nuclear Power Station, published in the **Federal Register** on December 28, 1999 (64 FR 72700), and Vermont Yankee Nuclear Power Station, published in the **Federal Register** on April 25, 2016 (81 FR 24136)).

In SECY–00–0145, ''Integrated Rulemaking Plan for Nuclear Power Plant Decommissioning,'' dated June 28, 2000, and SECY–01–0100, ''Policy Issues Related to Safeguards, Insurance, and Emergency Preparedness Regulations at Decommissioning Nuclear Power Plants Storing Fuel in Spent Fuel Pools,'' dated June 4, 2001 (ADAMS Accession Nos. ML003721626 and ML011450420, respectively), the staff discussed additional information concerning SFP zirconium fire risks at decommissioning reactors and associated implications for onsite property damage insurance. Analyzing when the spent fuel stored in the SFP is capable of adequate air-cooling is one measure that demonstrates when the probability of a zirconium fire would be exceedingly low.

The licensee's analyses referenced in its exemption request demonstrate that under conditions where the SFP water inventory has drained and only air-cooling of the stored irradiated fuel is available, there is reasonable assurance as of April 7, 2018, which is approximately 18 months after the permanent shutdown of the facility, that the FCS spent fuel will remain at temperatures far below those associated with the onset of zirconium cladding rapid oxidation. In addition, the licensee's adiabatic heat-up analyses demonstrate that as of April 7, 2018, there would be at least 10 hours after the loss of all means of cooling (both air and/or water), before the spent fuel cladding would reach a temperature where the potential for a significant offsite radiological release could occur. The licensee maintains strategies and equipment to cool the spent fuel in the unlikely event coolant is lost, and the 10-hour adiabatic heating time would provide sufficient time for personnel to respond with on-site equipment to restore a means of spent fuel cooling. In OPPD's letter dated December 16, 2016, the licensee furnished information concerning its SFP inventory makeup strategies, in the event of a loss of SFP coolant inventory. The multiple strategies for providing makeup to the SFP include: using existing plant systems for inventory makeup; an internal strategy that relies on the fire protection system with redundant pumps (one diesel-driven and electric motor-driven); and onsite diesel fire truck that can take suction from the Missouri River. These strategies are maintained by a license condition. The licensee also stated that, considering the very low-probability of beyond design-basis accidents affecting the SFP, these diverse strategies provide defense-in-depth and time to mitigate and prevent a zirconium fire, using makeup or spray into the SFP before the onset of zirconium cladding rapid oxidation.

By letter dated October 4, 2017 (ADAMS Accession No. ML17277B679), OPPD provided a response to an NRC staff request to address air-cooling of fuel in a drained pool. In the attachment to this letter, the licensee compared FCS fuel storage parameters with those used in NRC generic evaluations of fuel cooling included in the following documents:

- NUREG/CR–4982, ''Severe Accidents in Spent Fuel Pools in Support of Generic Safety Issue 82,'' June 1987; and
- NUREG/CR–6451, ''A Safety and Regulatory Assessment of Generic BWR [Boiling-Water Reactor] and PWR [Pressurized-Water Reactor] Permanently Shutdown Nuclear Power Plants,'' April 1997 (ADAMS Accession No. ML082260098).

The analysis described in NUREG/CR–6451 determined that natural air circulation would adequately cool fuel that has decayed for 17 months after operation in a typical PWR. The licensee found that the FCS fuel assemblies have a 20 percent lower power density during operation at power, a 10 percent lower peak burnup, and lower uranium enrichment, resulting in a much lower decay heat rate per assembly than those used in the analysis described in NUREG/CR–6451. The licensee determined that the FCS spent fuel storage racks have a higher storage density than those used in the NUREG/CR–6451 analysis. However, the licensee's analysis demonstrated that the lower decay heat will be sufficient to offset the higher storage density compared to the benchmark. The NRC staff reviewed this information and determined that the conclusion that the analysis presented in NUREG/CR–6451 would bound the fuel storage conditions at FCS was reasonable. Therefore, at 18 months after permanent shutdown, which will be reached by the requested effective date of April 7, 2018, the fuel stored at the FCS SFP would be adequately air-cooled in the unlikely event the pool completely drained.

In the NRC staff's safety evaluation of the licensee's request for exemptions from certain emergency planning requirements dated December 11, 2017 (ADAMS Accession No. ML17263B198), the NRC staff assessed the OPPD accident analyses associated with the radiological risks from a zirconium fire at the permanently shut down and defueled FCS site. For the very unlikely beyond design-basis accident scenario where the SFP coolant inventory is lost in such a manner that all methods of heat removal from the spent fuel are no longer available, the staff found there will be a minimum of 10 hours from the initiation of the accident until the cladding reaches a temperature where offsite radiological release might occur. The staff finds that 10 hours is sufficient time to support deployment of mitigation equipment, consistent with plant conditions, to prevent the zirconium cladding from reaching a point of rapid oxidation.

Based on the above discussion and the basis provided in SECY–96–256, the NRC staff determined $50 million is an adequate level of onsite property damage insurance for the FCS decommissioning reactor, once the spent fuel in the SFP is susceptible to exceedingly low probability of a zirconium fire due to adequate air-cooling, is provided in SECY–96–256. The staff has postulated that there is still a potential for other radiological incidents at a decommissioning reactor that could result in significant onsite contamination besides a zirconium fire. In SECY–96–256, the NRC staff cited the rupture of a large contaminated liquid storage tank, causing soil contamination and potential groundwater contamination, as the most costly postulated event to decontaminate and remediate (other than a SFP zirconium fire). The postulated large liquid radiological waste storage tank rupture event was determined to have a bounding onsite cleanup cost of approximately $50 million. Therefore, the staff determined that the licensee's proposal to reduce onsite insurance to a level of $50 million would be consistent with the bounding cleanup and

decontamination cost, as discussed in SECY–96–256, to account for the postulated rupture of a large liquid radiological waste tank at the FCS site, should such an event occur.

A. Authorized by Law.

The regulation in 10 CFR 50.54(w)(1) requires each licensee to have and maintain onsite property damage insurance of either $1.06 billion or whatever amount of insurance is generally available from private sources, whichever is less. In accordance with 10 CFR 50.12, the Commission may grant exemptions from the regulations in 10 CFR part 50, as the Commission determines are authorized by law.

As explained above, the NRC staff has determined that the licensee's proposed reduction in onsite property damage insurance coverage to a level of $50 million is adequate, consistent with the basis provided in SECY–96–256. Moreover, the staff concluded that as of April 7, 2018, sufficient irradiated fuel decay time will have elapsed at FCS to decrease the probability of an onsite and offsite radiological release from a postulated zirconium fire accident to negligible levels.

The NRC staff has determined that granting of the licensee's proposed exemption will not result in a violation of the Atomic Energy Act of 1954, or other laws, as amended. Therefore, based on its review of OPPD's exemption request, as discussed above, and consistent with SECY–96–256, the NRC staff concludes that the exemption is authorized by law.

B. No Undue Risk to Public Health and Safety.

The onsite property damage insurance requirements of 10 CFR 50.54(w)(1) were established to provide financial assurance that following a significant nuclear accident, onsite reactor conditions could be stabilized and the site decontaminated. The requirements of 10 CFR 50.54(w)(1) and the existing level of onsite insurance coverage for FCS are predicated on the assumption that the reactor is operating. However, FCS is a permanently shutdown and defueled facility. The permanently defueled status of the facility has resulted in a significant reduction in the number and severity of potential accidents, and correspondingly, a significant reduction in the potential for and severity of onsite property damage. The proposed reduction in the amount of onsite insurance coverage does not impact the probability or consequences of potential accidents. The proposed level of insurance coverage is commensurate with the reduced consequences of credible nuclear accidents at FCS. Therefore, the NRC staff concludes that granting the requested exemption will not present an undue risk to the health and safety of the public.

C. Consistent with the Common Defense and Security.

The proposed exemption would not eliminate any requirements associated with physical protection of the site and would not adversely affect OPPD's ability to physically secure the site or protect special nuclear material. Physical security measures at FCS are not affected by the requested exemption. Therefore, the proposed exemption is consistent with the common defense and security.

D. Special Circumstances.

Under 10 CFR 50.12(a)(2)(ii), special circumstances are present if the application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. The underlying purpose of 10 CFR 50.54(w)(1) is to provide reasonable assurance that adequate funds will be available to stabilize reactor conditions and cover onsite cleanup costs associated with site decontamination, following an accident that results in the release of a significant amount of radiological material. Because FCS is permanently shut down and defueled, it is no longer possible for the radiological consequences of design-basis accidents or other credible events at FCS to exceed the limits of the EPA PAGs at the exclusion area boundary. The licensee has evaluated the consequences of highly unlikely, beyond-design-basis conditions involving a loss of coolant from the SFP. The analyses show that as of April 7, 2018, the likelihood of such an event leading to a large radiological release is negligible. The NRC staff's evaluation of the licensee's analyses confirm this conclusion.

The NRC staff also finds that the licensee's proposed $50 million level of onsite insurance is consistent with the bounding cleanup and decontamination cost, as discussed in the basis provided in SECY–96–256. Therefore, the staff concludes that the application of the current requirements in 10 CFR 50.54(w)(1) to maintain $1.06 billion in onsite insurance coverage is not necessary to achieve the underlying purpose of the rule for the permanently shutdown and defueled FCS reactor.

Under 10 CFR 50.12(a)(2)(iii), special circumstances are present whenever compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.

The NRC staff concludes that if the licensee was required to continue to maintain an onsite insurance level of $1.06 billion, the associated insurance premiums would be in excess of those necessary and commensurate with the radiological contamination risks posed by the site. In addition, such insurance levels would be significantly in excess of other decommissioning reactor facilities that have been granted similar exemptions by the NRC.

The NRC staff finds that compliance with the existing rule would result in an undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted and are significantly in excess of those incurred by others similarly situated.

Therefore, the special circumstances required by 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(iii) exist.

E. Environmental Considerations.

The requested exemption includes surety, insurance, or indemnity requirements, and belongs to a category of actions that the Commission, by rule or regulation, has declared to be a categorical exclusion, after first finding that the category of actions does not individually or cumulatively have a significant effect on the human environment. Specifically, the exemption is categorically excluded under 10 CFR 51.22(c)(25)(vi)(H). In addition, the NRC staff has determined that there would be no significant impacts to biota, water resources, historic properties, cultural resources, or socioeconomic conditions in the region. As such, there are no extraordinary circumstances present that would preclude reliance on this categorical exclusion. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement need be prepared in connection with the approval of this exemption request.

Under 10 CFR 51.22(c)(25), granting of an exemption from the requirements of any regulation of Chapter I to 10 CFR is a categorical exclusion provided that (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involve: surety, insurance, or indemnity requirements.

The Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation, has determined that approval of the exemption request involves no significant hazards consideration because reducing the licensee's onsite property damage insurance for FCS does not 1) involve a significant increase in the probability or consequences of an accident previously evaluated; or 2) create the possibility of a new or different kind of accident from any accident previously evaluated; or 3) involve a significant reduction in a margin of safety. The exempted financial protection regulation is unrelated to the operation of FCS. Accordingly, there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; and no significant increase in individual or cumulative public or occupational radiation exposure. The exempted regulation is not associated with construction, so there is no significant construction impact. The exempted regulation does not concern the source term (*i.e.,* potential amount of radiation in an accident), nor mitigation. Therefore, there is no significant increase in the potential for, or consequences of, a radiological accident. In addition, there would be no significant impacts to biota, water resources, historic properties, cultural resources, or socioeconomic conditions in the region. The requirement for onsite property damage insurance involves surety, insurance, and indemnity matters. Therefore, pursuant to 10 CFR 51.22(b) and 51.22(c)(25), no

environmental impact statement or environmental assessment need be prepared in connection with the approval of this exemption request.

IV. Conclusions.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants OPPD an exemption from the requirements of 10 CFR 50.54(w)(1), to permit the licensee to reduce its onsite property damage insurance to a level of $50 million.

The exemption is effective beginning April 7, 2018.

Dated at Rockville, Maryland, this 29th day of March, 2018.

For the Nuclear Regulatory Commission.

Joseph G. Giitter,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–07034 Filed 4–5–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–1051; NRC–2018–0052]

Holtec International HI–STORE Consolidated Interim Storage Facility Project

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental impact statement; public scoping meetings.

SUMMARY: On March 30, 2018, the U.S. Nuclear Regulatory Commission (NRC) published in the **Federal Register** a notice of its intent to prepare an environmental impact statement, conduct scoping, and request comments for Holtec International's (Holtec) application for the HI–STORE Combined Interim Storage Facility (CISF). The public scoping comment period closes on May 29, 2018. The NRC is announcing public scoping meetings and an open house schedule. The public scoping meetings will allow interested members of the public to develop and submit their comments.

DATES: April 6, 2018.

ADDRESSES: Please refer to Docket ID NRC–2018–0052 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0052. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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.
- *Project web page:* Information related to the Holtec HI–STORE CISF project can be accessed on the NRC's Holtec HI–STORE CISF web page at *https://www.nrc.gov/waste/spent-fuel-storage/cis/holtec-international.html.*
- *Public Libraries:* A copy of the application's Environmental Report can be accessed at the following public libraries: Carlsbad Public Library, 101 S. Halagueno Street, Carlsbad, NM 88220; Hobbs Public Library, 509 N Shipp St., Hobbs, NM 88240; or Roswell Public Library, 301 N. Pennsylvania, Roswell, NM 88201.

FOR FURTHER INFORMATION CONTACT: Jill Caverly, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7674; email: *Jill.Caverly@nrc.gov.*

SUPPLEMENTARY INFORMATION:

On March 30, 2018, the NRC published in the **Federal Register** (83 FR 13802), a notice of its intent to prepare an EIS on Holtec's proposed CISF for spent nuclear fuel and requested public comments on the scope of the EIS. The NRC is announcing that staff will hold three public scoping meetings and one open house. The public scoping meetings will be held in Rockville, Maryland; Carlsbad, New Mexico; and Hobbs, New Mexico. The dates and times for the public meetings and open house are provided below:

Meeting/Open House	Date	Time	Location
Public Scoping Meeting and Webinar	April 25, 2018	7:00 p.m.–9:00 p.m. (EDT)	Rockville, Maryland, NRC Headquarters, Address: 11555 Rockville Pike, Rockville, MD 20852
Open House	April 30, 2018	4:00 p.m.–7:00 p.m. (MDT)	Roswell, New Mexico, Address: Eastern New Mexico University—Roswell, Campus Union Building, Multi-Purpose Room 110, 48 University Blvd., Roswell, NM 88130
Public Scoping Meeting	May 1, 2018	7:00 p.m.–10:00 p.m. (MDT)	Hobbs, New Mexico, Address: Lea County Event Center, 5101 N. Lovington Highway, Hobbs, NM 88240
Public Scoping Meeting	May 3, 2018	7:00 p.m.–10:00 p.m. (MDT)	Carlsbad, New Mexico, Address: Eddy County Fire Service, 1400 Commerce Street, Carlsbad, NM 88220.

Persons interested in attending these meeting should check the NRC's Public Meeting Schedule web page at *https://www.nrc.gov/pmns/mtg* for additional information, agendas for the meetings, and access information for the webinar. For the meeting in Rockville, Maryland, the NRC will transmit the public meeting via webinar and provide a telephone bridgeline for members of the public who cannot attend the meeting in person.

Dated at Rockville, Maryland, on April 2, 2018.

For the Nuclear Regulatory Commission.

Craig G. Erlanger,

Director, Division of Fuel Cycle Safety, Safeguards, and Environmental Review, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2018–07006 Filed 4–5–18; 8:45 am]

BILLING CODE 7509–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0001]

Sunshine Act Meeting Notice

DATE: Week of April 2, 2018.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

Week of April 2

Thursday, April 5, 2018

9:55 a.m. Affirmation Session (Public Meeting) (Tentative)

a. Unitech Services Group, Inc. (Export of Low-Level Waste) (Petition Seeking Leave to Intervene and Request for Hearing) (Tentative).

b. Florida Power & Light Co. (Turkey Point Nuclear Generating Units 6 and 7), Docket Nos. 52–040–COL & 52–041–COL, Mandatory Hearing Decision (Tentative).

This meeting will be webcast live at the web address—*http://www.nrc.gov/.*

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Additional Information

By a vote of 3–0 on April 4, 2018, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that the above referenced Affirmation Session be held with less than one week notice to the public. The meeting is scheduled on April 5, 2018.

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0981 or via email at *Denise.McGovern@nrc.gov.*

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The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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Dated: April 4, 2018.

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2018–07246 Filed 4–4–18; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–285; NRC–2018–0067]

Omaha Public Power District; Fort Calhoun Station, Unit No. 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption from the requirement to maintain a specified level of onsite property damage insurance in response to a request from Omaha Public Power District (OPPD or the licensee) dated April 28, 2017. Specifically, OPPD requested an exemption from the regulatory requirements to permit Fort Calhoun Station (FCS) to reduce its onsite insurance from $1.06 billion to $50 million.

DATES: The exemption was issued on March 29, 2018.

ADDRESSES: Please refer to Docket ID NRC–2018–0067 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 Web Site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0067. 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: James S. Kim, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–4125, email: *James.Kim@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated at Rockville, Maryland, this 3rd day of April, 2018.

For the Nuclear Regulatory Commission.

James S. Kim,

Project Manager, Special Projects and Process Branch, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment—Exemption

NUCLEAR REGULATORY COMMISSION

Docket No. 50-285

Omaha Public Power District

Fort Calhoun Station, Unit No. 1

Exemption

I. Background.

The Fort Calhoun Station, Unit 1 (FCS) site is located midway between Fort Calhoun and Blair, Nebraska, on the west bank of the Missouri River. The FCS facility includes one Combustion Engineering pressurized water reactor licensed to operate at power levels not to exceed 1500 megawatts thermal. The distance from the reactor containment to the nearest site boundary is approximately 910 meters (.6 miles). Except for the city of Blair and the villages of Fort Calhoun and Kennard, the land use within the 10-mile radius of FCS is devoted to general farming.

Omaha Public Power District (OPPD) is the holder of Renewed Facility Operating License No. DPR-40. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the NRC now or hereafter in effect.

By letter dated June 24, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16176A213), OPPD submitted a certification pursuant to part 50 of title 10 of the *Code of Federal Regulations* (10 CFR) paragraph 50.82(a)(1)(i) to the NRC indicating that it would permanently shut down FCS by December 31, 2016. On October 24, 2016, OPPD permanently ceased power operations at FCS. On November 13, 2016, OPPD submitted a certification pursuant to 10 CFR 50.82(a)(1)(ii) that it had permanently removed all fuel from the FCS reactor vessel and placed the fuel into the FCS spent fuel pool (SFP) (ADAMS Accession No. ML16319A254). Accordingly, upon docketing the certificates pursuant to 10 CFR 50.82(a)(2), the FCS renewed facility operating license no longer authorized operation of the reactor or emplacement or retention of fuel in the reactor vessel. However, the licensee remains authorized to possess and store irradiated nuclear fuel. Irradiated fuel is currently being stored onsite in a SFP and in independent spent fuel storage installation (ISFSI) dry casks.

II. Request/Action.

Under 10 CFR 50.12, ''Specific exemptions,'' OPPD has requested an exemption from 10 CFR 50.54(w)(1) by a letter dated April 28, 2017 (ADAMS Accession No. ML17118A337). The exemption from the requirements of 10 CFR 50.54(w)(1) would permit OPPD to reduce its onsite property damage insurance to $50 million.

The regulation in 10 CFR 50.54(w)(1) requires each licensee to have and maintain onsite property damage insurance to stabilize and decontaminate the reactor and reactor site in the event of an accident. The onsite insurance coverage must be either $1.06 billion or whatever amount of insurance is generally available from private sources (whichever is less).

The licensee stated that the risk of an accident at a permanently shutdown and defueled reactor is much less than the risk from an operating power reactor. Since the license no longer authorizes reactor operation or emplacement or retention of fuel in the reactor vessel at FCS, there are no events that would require the stabilization of reactor conditions after an accident. Similarly, the risk of an accident that would result in significant onsite contamination at FCS is also much lower than the risk of such an event at an operating reactor. Therefore, OPPD requested an exemption from 10 CFR 50.54(w)(1) effective April 7, 2018, that would permit a reduction in its onsite property damage insurance from $1.06 billion to $50 million, commensurate with the reduced risk of an accident at the permanently shutdown and defueled FCS reactor.

III. Discussion.

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when 1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and 2) any of the special circumstances listed in 10 CFR 50.12(a)(2) are present.

The financial protection limits of 10 CFR 50.54(w)(1) were established after the Three Mile Island accident out of concern that licensees may be unable to financially cover onsite cleanup costs in the event of a major nuclear accident. The specified $1.06 billion coverage requirement was developed based on an analysis of an accident at a nuclear reactor operating at power, resulting in a large fission product release and requiring significant resource expenditures to stabilize the reactor conditions and ultimately decontaminate and cleanup the site.

The NRC developed these cost estimates from the spectrum of postulated accidents for an operating nuclear reactor and the consequences of any associated release of radioactive material from the reactor. Although the risk of an accident at an operating reactor is very low, the consequences can be large. In an operating reactor, the high temperature and pressure of the reactor coolant system (RCS), as well as the inventory of relatively short-lived radionuclides, contribute to both the risk and consequences of an accident. With the permanent cessation of reactor operations at FCS and the permanent removal of the fuel from the reactor core, such accidents are no longer possible. As a result, the reactor, RCS, and supporting systems no longer operate and, therefore, have no function related to the storage of the irradiated fuel. Hence, postulated accidents involving failure or malfunction of the reactor, RCS, or supporting systems are no longer applicable.

During reactor decommissioning, the principal radiological risks are associated with the storage of spent fuel onsite. In its December 16, 2016 (ADAMS Accession No. ML16356A578), exemption request, OPPD describes both design-basis and beyond-design-basis events involving irradiated fuel stored in the SFP. The staff independently evaluated the offsite consequences associated with various decommissioning activities, design basis accidents, and beyond design basis accidents at FCS, in consideration of its permanently shut down and defueled status. The possible design-basis and beyond design basis accident scenarios at FCS show that the radiological consequences of these accidents are greatly reduced at a permanently shut down and defueled reactor, in comparison to a fueled reactor. Further, the staff has used the offsite radiological release limits established by the U.S. Environmental Protection Agency (EPA) early-phase Protective Action Guidelines (PAGs) of one roentgen equivalent man (rem) at the exclusion area boundary in determining that any possible radiological releases would be minimal and would not require precautionary protective actions (e.g., sheltering in place or evacuation).

The staff evaluated the radiological consequences associated with various decommissioning activities, and design basis accidents at FCS, in consideration of permanently shut down and defueled status of FCS. The only design-basis accidents that could potentially result in an offsite radiological release at FCS, following its permanent shutdown and defueling, are the Fuel Handling Accident (FHA) and rupture of a large liquid radioactive waste tank. OPPD performed an analysis demonstrating that 10 days after shutdown, the radiological consequences of a FHA would not exceed the limits established by the EPA PAGs at the exclusion area boundary. In case of a rupture of a large liquid radioactive waste tank in the December 16, 2016 letter, the FCS radioactive waste disposal system is designed such that any spillage or leakage of radioactive waste would be retained within the facility. After 18 months of decay, the only isotope remaining in significant amounts, among those postulated to be released from the gaseous release associated with a liquid waste tank failure (LWTF), would be Krypton 85. The resulting skin dose from the release of Krypton 85 would make an insignificant contribution to the total effective dose equivalent, which is the parameter of interest in the determination of EPA PAGs for sheltering or evacuation. Accordingly, based on the time that FCS has been permanently shutdown (approximately 18 months), the staff has determined that the possibility of an offsite radiological release from design-basis accidents that could exceed the EPA PAGs has been eliminated.

The only beyond design-basis event that has the potential to lead to a significant radiological release at a permanently shut down and defueled (decommissioning) reactor is a zirconium fire. The zirconium fire scenario is a postulated, but highly unlikely, accident scenario that involves the loss of water inventory from the SFP, resulting in a significant heat-up of the spent fuel and culminating in substantial zirconium cladding oxidation and fuel damage. The probability of a zirconium fire scenario is related to the decay heat of the irradiated fuel stored in the SFP. Therefore, the risks from a zirconium fire scenario continue to decrease as a function of the time that FCS has been permanently shut down.

The NRC previously determined that a lesser amount of onsite property damage insurance coverage can be authorized based on analysis of the zirconium fire risk. In response to SECY-96-256, ''Changes to Financial Protection Requirements for Permanently Shutdown Nuclear Power Reactors, 10 CFR 50.54(w)(1) and 10 CFR 140.11,'' dated December 17, 1996 (ADAMS Accession No. ML15062A483), the Commission issued Staff Requirements Memorandum dated January 28, 1997 (ADAMS Accession No. ML15062A454), and supported the staff's recommendation that, among other things, would allow permanently shutdown power reactor licensees to reduce commercial onsite property damage insurance coverage to $50 million when the licensee was able to demonstrate the technical criterion that the spent fuel could be air-cooled if the SFP was drained of water and to account for the postulated rupture of a large liquid radiological waste tank at the FCS site, should such an event occur. The staff has used this technical criterion to grant similar exemptions to other decommissioning

reactors (e.g., Maine Yankee Atomic Power Station, published in the **Federal Register** on January 19, 1999 (64 FR 2920); Zion Nuclear Power Station, published in the **Federal Register** on December 28, 1999 (64 FR 72700), and Vermont Yankee Nuclear Power Station, published in the **Federal Register** on April 25, 2016 (81 FR 24136)).

In SECY-00-0145, ''Integrated Rulemaking Plan for Nuclear Power Plant Decommissioning,'' dated June 28, 2000, and SECY-01-0100, ''Policy Issues Related to Safeguards, Insurance, and Emergency Preparedness Regulations at Decommissioning Nuclear Power Plants Storing Fuel in Spent Fuel Pools,'' dated June 4, 2001 (ADAMS Accession Nos. ML003721626 and ML011450420, respectively), the staff discussed additional information concerning SFP zirconium fire risks at decommissioning reactors and associated implications for onsite property damage insurance. Analyzing when the spent fuel stored in the SFP is capable of adequate air-cooling is one measure that demonstrates when the probability of a zirconium fire would be exceedingly low.

The licensee's analyses referenced in its exemption request demonstrate that under conditions where the SFP water inventory has drained and only air-cooling of the stored irradiated fuel is available, there is reasonable assurance as of April 7, 2018, which is approximately 18 months after the permanent shutdown of the facility, that the FCS spent fuel will remain at temperatures far below those associated with the onset of zirconium cladding rapid oxidation. In addition, the licensee's adiabatic heat-up analyses demonstrate that as of April 7, 2018, there would be at least 10 hours after the loss of all means of cooling (both air and/or water), before the spent fuel cladding would reach a temperature where the potential for a significant offsite radiological release could occur. The licensee maintains strategies and equipment to cool the spent fuel in the unlikely event coolant is lost, and the 10-hour adiabatic heating time would provide sufficient time for personnel to respond with on-site equipment to restore a means of spent fuel cooling. In OPPD's letter dated December 16, 2016, the licensee furnished information concerning its SFP inventory makeup strategies, in the event of a loss of SFP coolant inventory. The multiple strategies for providing makeup to the SFP include: using existing plant systems for inventory makeup; an internal strategy that relies on the fire protection system with redundant pumps (one diesel-driven and electric motor-driven); and onsite diesel fire truck that can take suction from the Missouri River. These strategies are maintained by a license condition. The licensee also stated that, considering the very low-probability of beyond design-basis accidents affecting the SFP, these diverse strategies provide defense-in-depth and time to mitigate and prevent a zirconium fire, using makeup or spray into the SFP before the onset of zirconium cladding rapid oxidation.

By letter dated October 4, 2017 (ADAMS Accession No. ML17277B679), OPPD provided a response to an NRC staff request to address air-cooling of fuel in a drained pool. In the attachment to this letter, the licensee compared FCS fuel storage parameters with those used in NRC generic evaluations of fuel cooling included in the following documents:

- NUREG/CR–4982, ''Severe Accidents in Spent Fuel Pools in Support of Generic Safety Issue 82,'' June 1987; and
- NUREG/CR–6451, ''A Safety and Regulatory Assessment of Generic BWR [Boiling-Water Reactor] and PWR [Pressurized-Water Reactor] Permanently Shutdown Nuclear Power Plants,'' April 1997 (ADAMS Accession No. ML082260098).

The analysis described in NUREG/CR–6451 determined that natural air circulation would adequately cool fuel that has decayed for 17 months after operation in a typical PWR. The licensee found that the FCS fuel assemblies have a 20 percent lower power density during operation at power, a 10 percent lower peak burnup, and lower uranium enrichment, resulting in a much lower decay heat rate per assembly than those used in the analysis described in NUREG/CR–6451. The licensee determined that the FCS spent fuel storage racks have a higher storage density than those used in the NUREG/CR–6451 analysis. However, the licensee's analysis demonstrated that the lower decay heat will be sufficient to offset the higher storage density compared to the benchmark. The NRC staff reviewed this information and determined that the conclusion that the analysis presented in NUREG/CR–6451 would bound the fuel storage conditions at FCS was reasonable. Therefore, at 18 months after permanent shutdown, which will be reached by the requested effective date of April 7, 2018, the fuel stored at the FCS SFP would be adequately air-cooled in the unlikely event the pool completely drained.

In the NRC staff's safety evaluation of the licensee's request for exemptions from certain emergency planning requirements dated December 11, 2017 (ADAMS Accession No. ML17263B198), the NRC staff assessed the OPPD accident analyses associated with the radiological risks from a zirconium fire at the permanently shut down and defueled FCS site. For the very unlikely beyond design-basis accident scenario where the SFP coolant inventory is lost in such a manner that all methods of heat removal from the spent fuel are no longer available, the staff found there will be a minimum of 10 hours from the initiation of the accident until the cladding reaches a temperature where offsite radiological release might occur. The staff finds that 10 hours is sufficient time to support deployment of mitigation equipment, consistent with plant conditions, to prevent the zirconium cladding from reaching a point of rapid oxidation.

Based on the above discussion and the basis provided in SECY–96–256, the NRC staff determined $50 million is an adequate level of onsite property damage insurance for the FCS decommissioning reactor, once the spent fuel in the SFP is susceptible to exceedingly low probability of a zirconium fire due to adequate air-cooling, is provided in SECY–96–256. The staff has postulated that there is still a potential for other radiological incidents at a decommissioning reactor that could result in significant onsite contamination besides a zirconium fire. In SECY–96–256, the NRC staff cited the rupture of a large contaminated liquid storage tank, causing soil contamination and potential groundwater contamination, as the most costly postulated event to decontaminate and remediate (other than a SFP zirconium fire). The postulated large liquid radiological waste storage tank rupture event was determined to have a bounding onsite cleanup cost of approximately $50 million. Therefore, the staff determined that the licensee's proposal to reduce onsite insurance to a level of $50 million would be consistent with the bounding cleanup and decontamination cost, as discussed in SECY–96–256, to account for the postulated rupture of a large liquid radiological waste tank at the FCS site, should such an event occur.

A. Authorized by Law.

The regulation in 10 CFR 50.54(w)(1) requires each licensee to have and maintain onsite property damage insurance of either $1.06 billion or whatever amount of insurance is generally available from private sources, whichever is less. In accordance with 10 CFR 50.12, the Commission may grant exemptions from the regulations in 10 CFR part 50, as the Commission determines are authorized by law.

As explained above, the NRC staff has determined that the licensee's proposed reduction in onsite property damage insurance coverage to a level of $50 million is adequate, consistent with the basis provided in SECY–96–256. Moreover, the staff concluded that as of April 7, 2018, sufficient irradiated fuel decay time will have elapsed at FCS to decrease the probability of an onsite and offsite radiological release from a postulated zirconium fire accident to negligible levels.

The NRC staff has determined that granting of the licensee's proposed exemption will not result in a violation of the Atomic Energy Act of 1954, or other laws, as amended. Therefore, based on its review of OPPD's exemption request, as discussed above, and consistent with SECY–96–256, the NRC staff concludes that the exemption is authorized by law.

B. No Undue Risk to Public Health and Safety.

The onsite property damage insurance requirements of 10 CFR 50.54(w)(1) were established to provide financial assurance that following a significant nuclear accident, onsite reactor conditions could be stabilized and the site decontaminated. The requirements of 10 CFR 50.54(w)(1) and the existing level of onsite insurance coverage for FCS are predicated on the assumption that the reactor is operating. However, FCS is a permanently shutdown and defueled facility. The permanently defueled status of the facility has resulted in a significant reduction in the number and severity of potential accidents, and correspondingly, a significant reduction in the potential for and severity of onsite property damage. The proposed reduction in the amount of onsite insurance coverage does not impact the probability or

consequences of potential accidents. The proposed level of insurance coverage is commensurate with the reduced consequences of credible nuclear accidents at FCS. Therefore, the NRC staff concludes that granting the requested exemption will not present an undue risk to the health and safety of the public.

C. Consistent with the Common Defense and Security.

The proposed exemption would not eliminate any requirements associated with physical protection of the site and would not adversely affect OPPD's ability to physically secure the site or protect special nuclear material. Physical security measures at FCS are not affected by the requested exemption. Therefore, the proposed exemption is consistent with the common defense and security.

D. Special Circumstances.

Under 10 CFR 50.12(a)(2)(ii), special circumstances are present if the application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. The underlying purpose of 10 CFR 50.54(w)(1) is to provide reasonable assurance that adequate funds will be available to stabilize reactor conditions and cover onsite cleanup costs associated with site decontamination, following an accident that results in the release of a significant amount of radiological material. Because FCS is permanently shut down and defueled, it is no longer possible for the radiological consequences of design-basis accidents or other credible events at FCS to exceed the limits of the EPA PAGs at the exclusion area boundary. The licensee has evaluated the consequences of highly unlikely, beyond-design-basis conditions involving a loss of coolant from the SFP. The analyses show that as of April 7, 2018, the likelihood of such an event leading to a large radiological release is negligible. The NRC staff's evaluation of the licensee's analyses confirm this conclusion.

The NRC staff also finds that the licensee's proposed $50 million level of onsite insurance is consistent with the bounding cleanup and decontamination cost, as discussed in the basis provided in SECY–96–256. Therefore, the staff concludes that the application of the current requirements in 10 CFR 50.54(w)(1) to maintain $1.06 billion in onsite insurance coverage is not necessary to achieve the underlying purpose of the rule for the permanently shutdown and defueled FCS reactor.

Under 10 CFR 50.12(a)(2)(iii), special circumstances are present whenever compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.

The NRC staff concludes that if the licensee was required to continue to maintain an onsite insurance level of $1.06 billion, the associated insurance premiums would be in excess of those necessary and commensurate with the radiological contamination risks posed by the site. In addition, such insurance levels would be significantly in excess of other decommissioning reactor facilities that have been granted similar exemptions by the NRC.

The NRC staff finds that compliance with the existing rule would result in an undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted and are significantly in excess of those incurred by others similarly situated.

Therefore, the special circumstances required by 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(iii) exist.

E. Environmental Considerations.

The requested exemption includes surety, insurance, or indemnity requirements, and belongs to a category of actions that the Commission, by rule or regulation, has declared to be a categorical exclusion, after first finding that the category of actions does not individually or cumulatively have a significant effect on the human environment. Specifically, the exemption is categorically excluded under 10 CFR 51.22(c)(25)(vi)(H). In addition, the NRC staff has determined that there would be no significant impacts to biota, water resources, historic properties, cultural resources, or socioeconomic conditions in the region. As such, there are no extraordinary circumstances present that would preclude reliance on this categorical exclusion. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement need be prepared in connection with the approval of this exemption request.

Under 10 CFR 51.22(c)(25), granting of an exemption from the requirements of any regulation of Chapter I to 10 CFR is a categorical exclusion provided that (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involve: surety, insurance, or indemnity requirements.

The Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation, has determined that approval of the exemption request involves no significant hazards consideration because reducing the licensee's onsite property damage insurance for FCS does not 1) involve a significant increase in the probability or consequences of an accident previously evaluated; or 2) create the possibility of a new or different kind of accident from any accident previously evaluated; or 3) involve a significant reduction in a margin of safety. The exempted financial protection regulation is unrelated to the operation of FCS. Accordingly, there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; and no significant increase in individual or cumulative public or occupational radiation exposure. The exempted regulation is not associated with construction, so there is no significant construction impact. The exempted regulation does not concern the source term (i.e., potential amount of radiation in an accident), nor mitigation. Therefore, there is no significant increase in the potential for, or consequences of, a radiological accident. In addition, there would be no significant impacts to biota, water resources, historic properties, cultural resources, or socioeconomic conditions in the region. The requirement for onsite property damage insurance involves surety, insurance, and indemnity matters. Therefore, pursuant to 10 CFR 51.22(b) and 51.22(c)(25), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this exemption request.

IV. Conclusions.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants OPPD an exemption from the requirements of 10 CFR 50.54(w)(1), to permit the licensee to reduce its onsite property damage insurance to a level of $50 million.

The exemption is effective beginning April 7, 2018.

Dated at Rockville, Maryland, this 29th day of March, 2018.

For the Nuclear Regulatory Commission.

Joseph G. Giitter,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–07033 Filed 4–5–18; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82978; File No. SR–ICEEU–2018–001]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change Relating to Amendments to the ICE Clear Europe CDS Clearing Stress Testing Policy

April 2, 2018.

On February 6, 2018, ICE Clear Europe Limited (''ICE Clear Europe) filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

revise its Credit Default Swap (''CDS'') Clearing Stress Testing Policy (''Stress Testing Policy'') to, among other things, re-categorize certain CDS stress testing scenarios, address specific wrong way risk, introduce new forward looking credit event scenarios, and make certain enhancements and clarifications (File No. SR–ICEEU–2018–001). The proposed rule change was published for comment in the **Federal Register** on February 16, 2018.[3] To date, the Commission has not received comments on the proposed rule change.

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period, up to 90 days, as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day from the publication of notice of filing of this proposed rule change is April 2, 2018.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. ICE Clear Europe proposes to revise its Stress Testing Policy to re-categorize existing CDS stress testing scenarios, add provisions to address specific wrong way risk, introduce new forward looking credit event scenarios, and make certain enhancements and clarifications. The Commission finds it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider ICE Clear Europe's proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates May 17, 2018 as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–ICEEU–2018–001).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2018–07010 Filed 4–5–18; 8:45 am]

BILLING CODE 8011–01–P

[3] Securities Exchange Act Release No. 34–82692 (February 6, 2018); 83 FR 7096 (February 16, 2018) (SR–ICEEU–2018–001).

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82982; File No. SR–NASDAQ–2018–026]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify That the Validea Market Legends ETF Will Be Passively-Managed Rather Than Actively-Managed

April 2, 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 April 2, 2018, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 that shares (''Shares'') of the Validea Market Legends ETF (''Fund'') will no longer be listed and traded as an actively-managed exchange-traded fund (''ETF'') in accordance with the SEC's approval order (''Order''),[3] but will instead operate under the generics for passively-managed ETFs set forth under Nasdaq Rule 5705(b).

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

Nasdaq proposes that the Shares of the Fund will no longer be listed and traded as an actively-managed ETF in accordance with the Order, but will instead operate under the generics for passively-managed ETFs set forth under Nasdaq Rule 5705(b). Nasdaq represents and confirms that the Fund meets such generics [sic]

The impetus for the change is that the Fund will begin tracking an index and thus no longer be actively-managed. There are no other changes being proposed to be made to the Fund.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with Section 6(b) of the Act,[4] in general, and furthers the objectives of Section 6(b)(5) of the Act,[5] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Nasdaq believes that this proposed rule change will help to inform and to protect investors and the public interest through disclosing that the Fund will no longer be actively managed, but instead passively-managed through the tracking of an index.

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. As noted above, the Fund will no longer be listed and traded in accordance with the Order,[6] but will instead operate under the generics for passively-managed ETFs set forth under Nasdaq Rule 5705(b). The Exchange does not intend for or expect that such change 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 73480; (Oct. 31, 2014), 79 FR 66022 (Nov. 6, 2014) (SR–NASDAQ–2014–090).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] *Supra,* note 3.

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. The Commission notes that the proposed rule change provides that the Fund will no longer be listed and traded in accordance with the Order, but will instead be listed and traded in accordance with the generic listing standards under Nasdaq Rule 5705(b), which include the initial and continued listing standards for Index Fund Shares.[11] Waiver of the operative delay would allow the Fund to begin to operate under such generic listing standards without delay. 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:

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–2018–026 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–2018–026. 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–2018–026, and should be submitted on or before April 27, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Brent J. Fields,

Secretary.

[FR Doc. 2018–07018 Filed 4–5–18; 8:45 am]

BILLING CODE 8011–01–P

[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 Commission has waived this requirement.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] The Exchange represents that the Fund meets such generic listing standards.

[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).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82979; File No. SR–ICEEU–2018–005]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Amendments to the Futures & Options Guaranty Fund Policy

April 2, 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 19, 2018, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II and III below, which Items have been prepared by ICE Clear Europe. ICE Clear Europe filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(4)(ii) thereunder,[4] so that the proposal was immediately effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.[5]

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change, Security-Based Swap Submission, or Advance Notice

ICE Clear Europe proposes to make certain amendments to its policies relating to its Clearing House Futures & Options (''F&O'') Initial Contribution to default resources.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4)(ii).

[5] Capitalized terms used herein but not otherwise defined have the meaning set forth in the ICE Clear Europe rulebook, which is available at *https://www.theice.com/clear-europe/regulation#rulebook.*

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, Security-Based Swap Submission or Advance Notice

In its filing with the Commission, ICE Clear Europe 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. ICE Clear Europe has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, Security-Based Swap Submission or Advance Notice

(a) Purpose

ICE Clear Europe is taking certain steps to increase its Clearing House F&O Initial Contribution to default resources. The Clearing House F&O Initial Contribution is used to cover losses arising from the default of an F&O Clearing Member, and would be applied following the use of the defaulter's own margin and guaranty fund contributions, and prior to the application of guaranty fund contributions of non-defaulting F&O Clearing Members. Currently, the Clearing House F&O Initial Contribution is set in the F&O Guaranty Fund Policy (the ''Policy'') at a fixed level. ICE Clear Europe is proposing to modify the Policy to remove the fixed level, and to provide that ICE Clear Europe will notify Clearing Members by circular of its contribution level in effect from time to time.

In connection with these changes, ICE Clear Europe expects to increase the Clearing House F&O Initial Contribution, and will notify F&O Clearing Members of the exact amount by circular.

The increased Clearing House F&O Initial Contribution reflects an agreement among ICE Clear Europe and the exchanges for which it currently clears F&O Contracts (ICE Futures Europe, ICE Futures U.S., Inc., ICE Endex Markets B.V. and ICE Endex Gas Spot Ltd.) that those exchanges should contribute to the aggregate Clearing House F&O Initial Contribution. (The exchange contributions will be in addition to ICE Clear Europe's existing contribution.) In ICE Clear Europe's view, the exchange contributions will enhance the risk practices of, and the risk sharing between, the exchanges, the F&O Clearing Members, and ICE Clear Europe itself, and create an incentive for exchanges to operate fair and orderly markets and to build liquidity in stressed market conditions. Under this approach, each exchange will make a contribution pursuant to a formula based on the average F&O guaranty fund contribution of F&O Clearing Members, subject to a minimum contribution. The clearing services agreements between ICE Clear Europe and each of the relevant exchanges will be amended to reflect this requirement.

(b) Statutory Basis

ICE Clear Europe believes that the proposed amendments are consistent with the requirements of Section 17A of the Act[6] and the regulations thereunder applicable to it, including the standards under Rule 17Ad–22.[7] Section 17A(b)(3)(F) of the Act[8] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible, and the protection of investors and the public interest.

As discussed above, the amendments are designed to increase the Clearing House's overall financial resources to cover losses from a default of an F&O Clearing Member. In particular, the amendments increase the amount of F&O default resources that will be available to be applied after the exhaustion of the defaulting Clearing Member's margin and guaranty fund contributions, and prior to the use of guaranty fund contributions of non-defaulting Clearing Members. Moreover, the amendments enhance the protection of guaranty fund contributions made by non-defaulting F&O Clearing Members by reducing the likelihood that ICE Clear Europe would need to use such contributions in the event of an F&O Clearing Member default. The amendments thus support the prompt and accurate clearance and settlement of cleared transactions and the protection of Clearing Members and other market participants. As a result, in ICE Clear Europe's view, the amendments are consistent with the requirements of Section 17A(b)(3)(F) of the Act.[9] For similar reasons, ICE Clear Europe believes that the amendments are also consistent with the requirements of Rule 17Ad–22(b)(3)[10] and Rule 17Ad–22(e)(4).[11]

In addition, as noted above, the amendments are designed to enhance the overall risk management of the Clearing House by aligning the risk objectives of the exchanges that submit F&O Contracts for clearing with those of the Clearing House. In particular, the amendments, by requiring a contribution from such exchanges, are intended to create an incentive for those exchanges to operate fair and orderly markets and to build liquidity in stressed market conditions. In ICE Clear Europe's view, the amendments are thus consistent with the risk management requirements of Rule 17Ad–22(e)(3).[12] The amendments will apply to all exchanges based on an objective formula for determining the contribution, and accordingly are not designed to permit unfair discrimination among particular exchanges, or market participants using such exchanges, within the meaning of Section 17A(b)(3)(F) of the Act.[13]

(B) Clearing Agency's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed rule change would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. The changes are being proposed in order to enhance the Clearing House's overall F&O default resources, and better align the risk objectives of the Clearing House and the exchanges for which it clears. Although the amendments will impose additional costs on such exchanges through the required exchange contribution, ICE Clear Europe believes that such additional costs appropriately reflect the risk brought to the Clearing House from F&O Contracts traded on such exchanges. Such contributions would apply to all exchanges that submit F&O contracts to the Clearing House, based on an objective formula, and are not intended to disadvantage any particular submitting exchange or trading venue. In addition, the amendments will not directly impose additional costs on F&O Clearing Members or market participants. Although exchanges could pass certain additional costs to F&O Clearing Members or other market participants through exchange fees, ICE Clear Europe does not believe this possibility would adversely affect competition among Clearing Members

[6] 15 U.S.C. 78q–1.

[7] 17 CFR 240.17Ad–22.

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] 17 CFR 240.17Ad–22(b)(3).

[11] 17 CFR 240.17Ad–22(e)(4).

[12] 17 CFR 240.17Ad–22(e)(3).

[13] 15 U.S.C. 78q–1(b)(3)(F).

or other market participants, or otherwise affect the appropriateness of the exchange contributions in light of the considerations set out above. In ICE Clear Europe's view, the amendments would also not affect access to clearing or the market for cleared services generally. As a result, ICE Clear Europe believes that any impact on competition is appropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed amendments have not been solicited or received by ICE Clear Europe. ICE Clear Europe will notify the Commission of any comments received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change, Security-Based Swap Submission or Advance Notice and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and paragraph (f) of Rule 19b–4 [15] thereunder. 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, security-based swap submission or advance notice 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–ICEEU–2018–005 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–ICEEU–2018–005. 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, security-based swap submission or advance notice that are filed with the Commission, and all written communications relating to the proposed rule change, security-based swap submission or advance notice between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's website at *https://www.theice.com/notices/Notices.shtml?regulatoryFilings*.

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–ICEEU–2018–005 and should be submitted on or before April 27, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2018–07011 Filed 4–5–18; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4.

[16] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, as amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 02/02–0672 issued to Ares Venture Finance, L.P., said license is hereby declared null and void.

United States Small Business Administration.

Dated: April 2, 2018.

A. Joseph Shepard,

Associate Administrator for Investment and Innovation.

[FR Doc. 2018–07013 Filed 4–5–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, as amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 02/02–0598 issued to Falcon Private Equity, L.P., said license is hereby declared null and void.

United States Small Business Administration.

Dated: April 2, 2018.

A. Joseph Shepard,

Associate Administrator for Investment and Innovation.

[FR Doc. 2018–07015 Filed 4–5–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, as amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 01/01–0413 issued to BCA Mezzanine Fund, L.P., said license is hereby declared null and void.

United States Small Business Administration.

Dated: April 2, 2018.

By:

A. Joseph Shepard,

Associate Administrator for Investment and Innovation.

[FR Doc. 2018–07014 Filed 4–5–18; 8:45 am]

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DEPARTMENT OF STATE

[Public Notice 10378]

Notice of Determinations; Additional Culturally Significant Objects Imported for Exhibition Determinations: ''Heavenly Bodies: Fashion and the Catholic Imagination'' Exhibition

SUMMARY: On December 22, 2017, notice was published on page 60787 of the **Federal Register** (volume 82, number 245) of determinations pertaining to certain objects to be included in an exhibition entitled ''Heavenly Bodies: Fashion and the Catholic Imagination.'' Notice is hereby given of the following determinations: I hereby determine that certain additional objects to be included in the exhibition ''Heavenly Bodies: Fashion and the Catholic Imagination,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The additional objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the additional exhibit objects at The Metropolitan Museum of Art, New York, New York, from on or about May 10, 2018, until on or about October 8, 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, Attorney-Adviser, 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, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015).

Alyson L. Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–07038 Filed 4–5–18; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR–2018–0005]

Notice of Determination and Request for Public Comment Concerning Proposed Determination of Action Pursuant to Section 301: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of determination, request for comments, and notice of public hearing.

SUMMARY: The U.S. Trade Representative (Trade Representative) has determined that the acts, policies, and practices of the Government of China related to technology transfer, intellectual property, and innovation covered in the investigation are unreasonable or discriminatory and burden or restrict U.S. commerce. The Office of the U.S. Trade Representative (USTR) is seeking public comment and will hold a public hearing regarding a proposed determination on appropriate action in response to these acts, policies, and practices. The Trade Representative proposes an additional duty of 25 percent on a list of products from China. The list of products, defined by 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), is set out in the Annex to this Notice.

DATES: To be assured of consideration, you must submit comments and responses in accordance with the following schedule:

April 23, 2018: Due date for filing requests to appear and a summary of expected testimony at the public hearing and for filing pre-hearing submissions.

May 11, 2018: Due date for submission of written comments.

May 15, 2018: The Section 301 Committee will convene a public hearing in the main hearing room of the U.S. International Trade Commission, 500 E Street SW Washington DC 20436 beginning at 10:00 a.m.

May 22, 2018: Due date for submission of post-hearing rebuttal comments.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments in sections F and G below. The docket number is USTR–2018–0005. For alternatives to on-line submissions, please contact Sandy McKinzy at (202) 395–9483.

FOR FURTHER INFORMATION CONTACT: For questions about the ongoing investigation or proposed action, contact Arthur Tsao, Assistant General Counsel, at (202) 395–5725. For questions on customs classification of products identified in the Annex to this Notice, contact Evan Conceicao at *Evan.M.Conceicao@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

A. Proceedings in the Investigation

On August 14, 2017, the President issued a Memorandum (82 FR 39007) instructing the Trade Representative to determine whether to investigate under section 301 of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2411), laws, policies, practices, or actions of the Government of China that may be unreasonable or discriminatory and that may be harming American intellectual property rights, innovation, or technology development.

On August 18, 2017, after consultation with the appropriate advisory committees and the inter-agency Section 301 Committee, USTR initiated an investigation into certain acts, policies, and practices of the Government of China related to technology transfer, intellectual property, and innovation. The notice of initiation (82 FR 40213) solicited written comments on, *inter alia,* four categories of acts, policies and practices of the Government of China:

1. The Chinese government reportedly uses a variety of tools, including opaque and discretionary administrative approval processes, joint venture requirements, foreign equity limitations, procurements, and other mechanisms to regulate or intervene in U.S. companies' operations in China, in order to require or pressure the transfer of technologies and intellectual property to Chinese companies. Moreover, many U.S. companies report facing vague and unwritten rules, as well as local rules that diverge from national ones, which are applied in a selective and non-transparent manner by Chinese government officials to pressure technology transfer.

2. The Chinese government's acts, policies and practices reportedly deprive U.S. companies of the ability to set market-based terms in licensing and other technology-related negotiations with Chinese companies and undermine U.S. companies' control over their technology in China. For example, the Regulations on Technology Import and Export Administration mandate particular terms for indemnities and ownership of technology improvements for imported technology, and other measures also impose non-market terms in licensing and technology contracts.

3. The Chinese government reportedly directs and/or unfairly facilitates the systematic investment in, and/or acquisition of, U.S. companies and assets by Chinese companies to obtain cutting-edge technologies and intellectual property and generate large-scale technology transfer in industries deemed important by Chinese government industrial plans.

4. The investigation will consider whether the Chinese government is conducting or supporting unauthorized intrusions into U.S. commercial computer networks or cyber-enabled theft of intellectual property, trade secrets, or confidential business information, and whether this conduct harms U.S. companies or provides competitive advantages to Chinese companies or commercial sectors.

Interested persons filed approximately 70 written submissions. In addition, USTR and the Section 301 Committee convened a public hearing on October 10, 2017, during which witnesses provided testimony and responded to questions. The public submissions and a transcript of the hearing are available on *www.regulations.gov* in docket number USTR–2017–0016.

Based on information obtained during the investigation, including the public submissions and the public hearing, USTR and the Section 301 Committee have prepared a comprehensive report on the acts, policies, and practices under investigation. USTR posted the report on its website on March 22, 2018: *https://ustr.gov/sites/default/files/Section%20301%20FINAL.PDF.* The report supports findings that each of the four categories of acts, policies, and practices are unreasonable or discriminatory and burden or restrict U.S. commerce.

B. Determination on Acts, Policies, and Practices Under Investigation

Based on the information obtained during the investigation and the advice of the Section 301 Committee, and as reflected in the publicly-available report on the findings in the investigation, the Trade Representative has made the following determination under sections 301(b) and 304(a) of the Trade Act (19 U.S.C. 2411(b) and 2414(a)): the acts, policies, and practices covered in the investigation are unreasonable or discriminatory and burden or restrict U.S. commerce, and are thus actionable under section 301(b) of the Trade Act. In particular:

1. China uses foreign ownership restrictions, such as joint venture requirements and foreign equity limitations, and various administrative review and licensing processes, to require or pressure technology transfer from U.S. companies.

2. China's regime of technology regulations forces U.S. companies seeking to license technologies to Chinese entities to do so on non-market-based terms that favor Chinese recipients.

3. China directs and unfairly facilitates the systematic investment in, and acquisition of, U.S. companies and assets by Chinese companies to obtain cutting-edge technologies and intellectual property and generate the transfer of technology to Chinese companies.

4. China conducts and supports unauthorized intrusions into, and theft from, the computer networks of U.S. companies to access their sensitive commercial information and trade secrets.

C. Proposed Determination on Appropriate Action

Upon determining that the acts, policies, and practices under investigation are actionable, section 301(b) provides that the Trade Representative shall take all appropriate and feasible action authorized under section 301(c), subject to the specific direction, if any, of the President regarding such action, and all other appropriate and feasible action within the power of the President that the President may direct the Trade Representative to take under section 301(b), to obtain the elimination of that act, policy, or practice. In a Memorandum dated March 22, 2018 (83 FR 13099), the President directed the Trade Representative as follows:

Section 1. Tariffs. (a) The Trade Representative should take all appropriate action under section 301 of the Act (19 U.S.C. 2411) to address the acts, policies, and practices of China that are unreasonable or discriminatory and that burden or restrict U.S. commerce. The Trade Representative shall consider whether such action should include increased tariffs on goods from China.

(b) To advance the purposes of subsection (a) of this section, the Trade Representative shall publish a proposed list of products and any intended tariff increases within 15 days of the date of this memorandum. After a period of notice and comment in accordance with section 304(b) of the Act (19 U.S.C. 2414(b)), and after consultation with appropriate agencies and committees, the Trade Representative shall, as appropriate and consistent with law, publish a final list of products and tariff increases, if any, and implement any such tariffs.

Pursuant to sections 301(b) and (c) and the March 22nd Memorandum from the President, the Trade Representative proposes that appropriate action would include increased tariffs on certain goods of Chinese origin. In particular, the proposed action is an additional duty of 25 percent on a list of products of Chinese origin identified in the Annex to this Notice. For example, if a good of Chinese origin is currently subject to a zero *ad valorem* rate of duty, the product would be subject to a 25 percent *ad valorem* rate of duty; if a good of Chinese origin were currently subject to a 10 percent *ad valorem* rate of duty, the product would be subject to a 35 percent *ad valorem* rate of duty; and so on.

To ensure the effectiveness of the action, any merchandise subject to the increased tariffs admitted into a U.S. foreign trade zone on or after the effective date of the increased tariffs would have to be admitted as ''privileged foreign status'' as defined in 19 CFR 146.41, and would be subject upon entry for consumption to the additional duty.

The list of products covered by the proposed action was developed using the following methodology:

Trade analysts from several U.S. Government agencies identified products that benefit from Chinese industrial policies, including Made in China 2025. The list was refined by removing specific products identified by analysts as likely to cause disruptions to the U.S. economy, and tariff lines that are subject to legal or administrative constraints. The remaining products were ranked according to the likely impact on U.S. consumers, based on available trade data involving alternative country sources for each product. The proposed list was then compiled by selecting products from the ranked list with lowest consumer impact.

The value of the list is approximately $50 billion in terms of estimated annual trade value for calendar year 2018. This level is appropriate both in light of the estimated harm to the U.S. economy, and to obtain elimination of China's harmful acts, policies, and practices.

D. WTO Dispute on Certain Discriminatory Technology Regulations

As noted above, the second category of acts, policies, and practices under investigation involve certain discriminatory technology regulations. The Presidential Memorandum provides the following regarding the Trade Representative's findings on this issue:

Section 2. WTO Dispute Settlement. (a) The Trade Representative shall, as appropriate and consistent with law, pursue dispute settlement in the World Trade Organization (WTO) to address China's discriminatory licensing practices. Where appropriate and consistent with law, the Trade Representative should pursue this action in cooperation with other WTO members to address China's unfair trade practices.

(b) Within 60 days of the date of this memorandum, the Trade Representative shall report to me his progress under subsection (a) of this section.

The Trade Representative has decided that certain acts, policies, and practices of China considered in the investigation may be appropriately addressed through recourse to WTO dispute settlement. Accordingly, on March 23, 2018, the Trade Representative initiated a WTO dispute by requesting consultations with the Government of China regarding certain specific aspects of China's technology regulations considered in the investigation. You can find documents related to this dispute on the dispute settlement section of the WTO website under DS542: China—Certain Measures Concerning the Protection of Intellectual Property Rights. Because the Trade Representative intends to address these issues through recourse to WTO dispute settlement, the proposed tariff action does not relate to or take into account harm caused by these acts, policies, and practices.

E. Request for Public Comments

In accordance with section 304(b) of the Trade Act (19 U.S.C. 2414(b)), USTR invites comments from interested persons with respect to the proposed action to be taken in response to the acts, policies, and practices of China determined to be unreasonable or discriminatory, and to burden or restrict U.S. commerce. To be assured of consideration, you must submit written comments on the proposed action in response to China's acts, policies, and practices by May 11, 2018, and post-hearing rebuttal comments by May 22, 2018.

USTR requests comments with respect to any aspect of the proposed action, including:

- The specific products to be subject to increased duties, including whether products listed in the Annex should be retained or removed, or whether products not currently on the list should be added.
- The level of the increase, if any, in the rate of duty.
- The appropriate aggregate level of trade to be covered by additional duties.

In commenting on the inclusion or removal of particular products on the list of products subject to the proposed additional duties, USTR requests that commenters address specifically whether imposing increased duties on a particular product would be practicable or effective to obtain the elimination of China's acts, policies, and practices, and whether maintaining or imposing additional duties on a particular product would cause disproportionate economic harm to U.S. interests, including small- or medium-size businesses and consumers.

F. Hearing Participation

The Section 301 Committee will convene a public hearing in the main hearing room of the U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, beginning at 10:00 a.m. on May 15, 2018. You must submit requests to appear at the hearing by April 23, 2018. The request to appear must include a summary of testimony, and may be accompanied by a pre-hearing submission. Remarks at the hearing may be no longer than five minutes to allow for possible questions from the Section 301 Committee.

All submissions must be in English and sent electronically via *www.regulations.gov.* To submit a request to appear at the hearing via *www.regulations.gov,* enter docket number USTR–2018–0005. In the ''Type Comment'' field, include the name, address, email address, and telephone number of the person presenting the testimony. Attach a summary of the testimony, and a pre-hearing submission if provided, by using the ''Upload File'' field. The file name should include the name of the person who will be presenting the testimony. In addition, please submit a request to appear by email to *301investigation@ustr.eop.gov.* In the subject line of the email, please include the name of the person who will be presenting the testimony, followed by ''Request to Appear''. Please also include the name, address, email address, and telephone number of the person presenting testimony in the body of the email message.

G. Procedures for Written Submissions

To assist in review of public comments submitted pursuant to Section E, the Section 301 Committee has prepared a public comment form that will be posted on the USTR website under ''Enforcement/Section 301 investigations'' and on the *www.regulations.gov* docket. USTR strongly encourages commenters to use the form to submit comments pursuant to Section E, though use of the form is not required. Please identify the specific good in question by the applicable HTSUS subheading.

All submissions must be in English and sent electronically via *www.regulations.gov.* To submit comments via *www.regulations.gov,* enter docket number USTR–2018–0005 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 and click on the link entitled ''Comment Now!'' For further information on using the *www.regulations.gov* website, please consult the resources provided on the website by clicking on ''How to Use Regulations.gov'' on the bottom of the home page. We will not accept hand-delivered submissions.

The *www.regulations.gov* website allows users to submit comments by filling in a ''Type Comment'' field or by attaching a document using an ''Upload File'' field. USTR prefers that you submit comments in an attached document. If you attach a document, it is sufficient to type ''see attached'' in the ''Type Comment'' field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If you use an application other than those two, please indicate the name of the application in the ''Type Comment'' field.

File names should reflect the name of the person or entity submitting the comments. Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the comment itself, rather than submitting them as separate files.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC''. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. If you request business confidential treatment, you must certify

in writing that disclosure of the information would endanger trade secrets or profitability, and that the information would not customarily be released to the public. Filers of submissions containing business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments or rebuttal comments. If these procedures are not sufficient to protect business confidential information or otherwise protect business interests, please contact the USTR Tech Transfer Section 301 line at (202) 395–5725 to discuss whether alternative arrangements are possible.

USTR will post submissions in the docket for public inspection, except business confidential information. You can view submissions on the *https://www.regulations.gov* website by entering docket number USTR–2018–0005 in the search field on the home page.

Robert Lighthizer,

United States Trade Representative.

BILLING CODE 3290–F8–P

ANNEX

Note: All products that are classified in the 8-digit subheadings of the Harmonized Tariff Schedule of the United States (HTSUS) that are listed in this Annex are covered by the proposed action. The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the proposed action. Any questions regarding the scope of particular HTSUS subheadings should be referred to U.S. Customs and Border Protection. In the product descriptions, the abbreviations "nesoi" and "nesi" mean "not elsewhere specified or included".

HTS subheading	Product Description
28443010	Thorium compounds
28443020	Compounds of uranium depleted in U235
28443050	Uranium depleted in U235, thorium; alloys, dispersions, ceramic products and mixtures of these products and their compounds
28459000	Isotopes not in heading 2844 and their compounds other than heavy water
29146200	Coenzyme Q10 (ubidecarenone (INN)
29146921	Quinone drugs
29189914	2-(4-Chloro-2-methyl-phenoxy)propionic acid and its salts
29189930	Aromatic drugs derived from carboxylic acids with additional oxygen function, and their derivatives, nesoi
29214600	Amfetamine (INN), benzfetamine (INN), dexamfetamine (INN), etilamfetamine (INN), and other specified INNs; salts thereof
29214932	Fast color bases of aromatic monamines and their derivatives
29214938	Aromatic monoamine antidepressants, tranquilizers and other psychotherapeutic agents, nesoi
29214943	Aromatic monoamine drugs, nesoi
29221909	Aromatic amino-alcohols drugs, their ethers and esters, other than those containing > one kind of oxygen function; salts thereof; nesoi
29221990	Salts of triethanolamine
29221996	Amino-alcohols, other than those containing more than one kind of oxygen function, their ethers and esters and salts thereof, nesoi
29225013	Isoetharine hydrochloride and other specified aromatic drugs of amino-compounds with oxygen function
29225014	Other aromatic cardiovascular drugs of amino-compounds with oxygen function
29225017	Aromatic dermatological agents and local anesthetics of amino-compounds with oxygen function
29225019	Aromatic guaiacol derivatives of amino-compounds with oxygen function
29242905	Biligrafin acid; 3,5-diacetamido-2,4,6-triiodobenzoic acid; and metrizoic acid
29242936	Naphthol AS and derivatives, nesoi
29242952	Aromatic cyclic amides for use as fast color bases
29242957	Diethylaminoacetoxylidide (Lidocaine)
29242962	Other aromatic cyclic amides and derivatives for use as drugs

HTS subheading	Product Description
29280010	Methyl ethyl ketoxime
29319010	4,4'-Diphenyl-bis-phosphonous acid, di(2',2",4',4"-di-tert-butyl)phenyl ester
29329961	Aromatic heterocyclic compounds with oxygen hetero-atom(s) only described in additional U.S. note 3 to section VI, nesoi
29333915	Quinuclidin-3-ol
29339942	Acriflavin; Acriflavin hydrochloride; Carbadox; Pyrazinamide
29339951	Hydralazine hydrochloride
29339958	Droperidol; and Imipramine hydrochloride
29349901	Mycophenolate mofetil
29349905	5-Amino-3-phenyl-1,2,4-thiadiazole(3-Phenyl-5-amino-1,2,4-thiadiazole); and 3 other specified aromatic/mod. aromatic heterocyclic compounds
29349906	7-Nitronaphth[1,2]oxadiazole-5-sulfonic acid and its salts
29349947	Nonaromatic drugs of other heterocyclic compounds, nesoi
29349970	Morpholinethyl chloride hydrochloride; 2-methyl-2,5-dioxo-1-oxa-2-phospholan; and 1 other specified nonaromatic chemical
29371100	Somatotropin, its derivatives and structural analogues
29371900	Polypeptide hormones, protein hormones and glycoprotein hormones, their derivatives and structural analogues, nesoi
29372325	Estradiol benzoate; and Estradiol cyclopentylpropionate (estradiol cypionate)
29375000	Prostaglandins, thromboxanes and leukotrienes, their derivatives and structural analogues
29379005	Epinephrine
29379040	l-Thyroxine(Levothyroxine), sodium
30012000	Extracts of glands or other organs or of their secretions for organotherapeutic uses
30021100	Malaria diagnostic test kits
30021200	Antisera and other blood fractions including human blood and fetal bovine serum
30021300	Immunological products, unmixed, not put up in measured doses or in forms or packings for retail sale
30021400	Immunological products, mixed, not put up in measured doses or in forms or packings for retail sale
30021500	Immunological products, put up in measured doses or in forms or packings for retail sale
30021900	Blood fractions, nesoi
30022000	Vaccines for human medicine
30023000	Vaccines for veterinary medicine
30029010	Ferments, excluding yeasts
30029051	Human blood; animal blood prepared for therapeutic, prophylactic, diagnostic uses; toxins, cultures of micro-organisms nesoi & like products
30032000	Medicaments containing antibiotics, nesoi, not dosage form and not packaged for retail
30033100	Medicaments containing insulin, not dosage form and not packed for retail
30033910	Medicaments containing artificial mixtures of natural hormones, but not antibiotics, not dosage form and not packed for retail

HTS subheading	Product Description
30033950	Medicaments containing products of heading 2937, nesoi, but not antibiotics, not dosage form and not packed for retail
30034100	Medicaments containing ephedrine or its salts, not dosage form and not packed for retail
30034200	Medicaments containing pseudoephedrine (INN) or its salts, not dosage form and not packed for retail
30034300	Medicaments containing norephedrine or its salts, not dosage form and not packed for retail
30034900	Other medicaments containing alkaloids or derivatives thereof, nesoi, not dosage form and not packed for retail
30036000	Other medicaments containing antimalarial active principles described in subheading note 2 to this chapter, not dosage form and not packed for retail
30039001	Medicaments nesoi, not dosage form and not packed for retail
30041010	Medicaments containing penicillin G salts, in dosage form and packed for retail
30041050	Medicaments cont. penicillins or streptomycins, nesoi, in dosage form or packed for retail
30042000	Medicaments containing antibiotics, nesoi, in dosage form or packed for retail
30043100	Medicaments containing insulin, in dosage form or packed for retail
30043200	Medicaments, containing adrenal cortical hormones, in dosage form or packed for retail
30043900	Medicaments, containing products of heading 2937 nesoi, in dosage form or packed for retail
30044100	Medicaments containing ephedrine or its salts, in dosage form and packed for retail
30044200	Medicaments containing pseudoephedrine (INN) or its salts, in dosage form and packed for retail
30044300	Medicaments containing norephedrine or its salts, in dosage form and packed for retail
30044900	Other medicaments containing alkaloids or derivatives thereof, nesoi, in dosage form and packed for retail
30045010	Medicaments containing vitamin B2 synthesized from aromatic or mod. aromatic compounds, in dosage form or packed for retail
30045020	Medicaments containing vitamin B12 synthesized from aromatic or mod. aromatic compounds, in dosage form or packed for retail
30045030	Medicaments containing vitamin E synthesized from aromatic or mod. aromatic compounds, in dosage form or packed for retail
30045040	Medicaments containing vitamins nesoi, synthesized from aromatic or mod. aromatic compounds, in dosage form or packed for retail
30045050	Medicaments containing vitamins or other products of heading 2936, nesoi, in dosage form or packed for retail
30046000	Other medicaments containing antimalarial active principles described in subheading note 2 to this chapter, in dosage form and packed for retail
30049010	Medicaments containing antigens or hyaluronic acid or its sodium salt, nesoi, in dosage form or packed for retail
30049092	Medicaments nesoi, in dosage form and packed for retail
30051010	Adhesive dressings and other articles having an adhesive layer, coated or impregnated with pharmaceutical substances, packed for retail

HTS subheading	Product Description
30061001	Sterile surgical catgut, suture materials, tissue adhesives for wound closure, laminaria, laminaria tents, and absorbable hemostatics
30062000	Blood-grouping reagents
30063010	Opacifying preparation for X-ray examination; diagnostic reagent designed to be administered to the patient; all cont. antigens or antisera
30064000	Dental cements and other dental fillings; bone reconstruction cements
30066000	Chemical contraceptive preparations based on hormones or spermicides
30067000	Gel preparation use human/veterinary medicine lubricant in surgical operation, physical exam or coupling agent tween body & med instrument
30069100	Appliances identifiable for ostomy use
38200000	Antifreezing preparations and prepared de-icing fluids
40061000	"Camel-back" strips of unvulcanized rubber, for retreading rubber tires
40091200	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, not reinforced or combined w/other materials, with fittings
40094200	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, reinforced or combined with other materials nesoi, with fittings
40101100	Conveyor belts or belting of vulcanized rubber reinforced only with metal
40113000	New pneumatic tires, of rubber, of a kind used on aircraft
40121300	Retreaded pneumatic tires, of rubber, of a kind used on aircraft
40121980	Retreaded pneumatic tires (nonradials), of rubber, not elsewhere specified or included
40169915	Caps, lids, seals, stoppers and other closures, of noncellular vulcanized rubber other than hard rubber
72071100	Iron or nonalloy steel semifinished products, w/less than 0.25% carbon, w/rect. cross sect.(incl. sq.), w/width less than twice thickness
72071200	Iron or nonalloy steel semifinished products, w/less than 0.25% carbon, w/rect. cross sect. (exclud. sq.), nesoi
72071900	Iron or nonalloy steel semifinished products, w/less than 0.25% carbon, o/than w/rect. cross section
72072000	Iron or nonalloy steel semifinished products, w/0.25% or more of carbon
72081015	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, w/patterns in relief, in coils, pickled, not clad/plated/coated
72081060	Iron/nonalloy steel,width 600mm+,hot-rolled flat-rolled product,in coil,w/pattern in relief,w/thick <4.75mm,not pickld,not clad/plated/coatd
72082530	Nonalloy hi-strength steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 4.75mm+, pickled, not clad/plated/coated
72082560	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 4.7mm or more, pickled, not clad/plated/coated
72082600	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 3mm or mor but less 4.75mm, pickled, not clad/plated
72082700	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick less than 3mm, pickled, not clad/plated/coated
72083600	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick o/10mm, not pickled/clad/plated/coated

HTS subheading	Product Description
72083700	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 4.75mm or more & n/o 10mm, not pickled/clad/plated
72083800	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick 3mm or more & less 4.75mm, not pickld/clad/plated
72083900	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick less than 3mm, not pickled/clad/plated/coated
72084030	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, w/pattern in relief,not coils,w/thick 4.75 or more, n/clad/plated/coated
72085100	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, nesoi, not in coils, w/thick o/10mm, not clad/plated/coated
72085200	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, nesoi, not in coils, w/thick 4.75mm+ but n/o 10mm, not clad/plated/
72085300	Iron/nonalloy steel, width 600mm+, hot-rolled flat-rolled products, nesoi, not in coils, w/thick 3mm+ but < 4.75mm, not clad/plated/coated
72091825	Nonalloy steel(blackplate), width 600mm+, cold-rolled flat-rolled products, in coils, w/thick less than 0.361mm, not clad/plated/coated
72091860	Iron/nonalloy steel, width 600mm+, cold-rolled flat-rolled products, in coils, w/thick 0.361mm+ but less 5mm, not clad/plated/coated
72101100	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with tin, w/thick. 0.5 mm or more
72102000	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with lead, including terneplate
72106100	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with aluminum-zinc alloys
72106900	Iron/nonalloy steel, width 600mm+, flat-rolled products, plated or coated with aluminum o/than aluminum-zinc alloy
72107030	Iron/nonalloy steel, width 600mm+, flat-rolled products, painted/varnished or coated w/plastic but not plated/coated or clad w/metal
72111300	Iron/nonalloy steel, width less th/600mm, hot-rolled flat-rolled universal mill plate, not clad/plated/coated
72111400	Iron/nonalloy steel, width less th/600mm, hot-rolled flat-rolled products, nesoi, w/thick of 4.75mm or more, not clad/plated/coated
72111920	Iron/nonalloy steel, nesoi, width less th/300mm, hot-rolled flat-rolled products, w/thick o/1.25 mm but n/o 4.75 mm, n/clad/plated/coated
72111930	Iron/nonalloy steel, nesoi, width less th/300mm, hot-rolled flat-rolled products, w/thick 1.25mm or less, not clad/plated/coated
72111975	Iron/nonalloy steel, nesoi, width 300mm+ but less th/600mm, hot-rolled flat-rolled products, not pickled, not clad/plated/coated
72112315	Nonalloy hi-strength steel, width less th/300mm, cold-rolled flat-rolled, <0.25% carbon, w/thick o/1.25mm, not clad/plated/coated
72112330	Iron/nonalloy steel, nesoi, width less th/300mm, cold-rolled flat-rolled, <0.25% carbon, w/thick o/0.25mm n/o 1.25mm, not clad/plated
72112360	Iron/nonalloy steel, nesoi, width 300mm+ but less th/600mm, cold-rolled flat-rolled, <0.25% carbon, not clad/plated/coated
72112920	Iron/nonalloy steel, width less th/300mm, cold-rolled flat-rolled, w/0.25% or more carbon,w/thick o/0.25mm, not clad/plated/coated

HTS subheading	Product Description
72112960	Iron/nonalloy steel, width 300mm+ but less th/600mm, cold-rolled flat-rolled, w/0.25% or more carbon, not clad/plated/coated
72119000	Iron/nonalloy steel, width less th/600mm, flat-rolled further worked than cold-rolled, not clad, plated or coated
72121000	Iron/nonalloy steel, width less th/600mm, flat-rolled products, plated or coated with tin
72122000	Iron/nonalloy steel, width less th/600mm, flat-rolled products, electrolytically plated or coated with zinc
72123010	Iron/nonalloy steel, width less th/300mm, flat-rolled products, plated/coated with zinc (other than electrolytically), w/thick o/0.25mm
72123050	Iron/nonalloy steel, width 300+ but less th/600mm, flat-rolled products, plated or coated with zinc (other than electrolytically)
72124010	Iron/nonalloy steel, width less th/300mm, flat-rolled products, painted, varnished or coated w/plastic
72125000	Iron/nonalloy steel, width less th/600mm, flat-rolled products, plated or coated nesoi
72126000	Iron/nonalloy steel, width less th/600mm, flat-rolled products, clad
72131000	Iron/nonalloy, concrete reinforcing bars and rods in irregularly wound coils, hot-rolled
72139130	Iron/nonalloy steel, nesoi, hot-rolled bars & rods in irregularly wound coils, w/cir. x-sect. diam. <14mm, n/tempered/treated/partly mfd
72139145	Iron/nonalloy steel, nesoi, hot-rolled bars & rods in irregularly wound coils, w/cir. x-sect. diam. <14mm, w/0.6%+ of carbon, nesoi
72139900	Iron/nonalloy steel, nesoi, hot-rolled bars & rods, w/cir. x-sect. diam 14+mm or non-circ. x-sect., in irregularly wound coils, nesoi
72141000	Iron/nonalloy steel, forged bars and rods, not in coils
72142000	Iron/nonalloy steel, concrete reinforcing bars and rods, not further worked than hot-rolled, hot-drawn or hot-extruded, n/coils
72143000	Free-cutting steel, bars and rods, not further worked than hot-rolled, hot-drawn or hot-extruded, n/coils, nesoi
72149100	Iron/nonalloy steel, bars and rods, not further worked than hot-rolled, hot-drawn or hot-extruded, w/rectangular (o/than square) X-section
72151000	Free-cutting steel, bars and rods, not further worked than cold-formed or cold-finished, not in coils
72155000	Iron/nonalloy steel nesoi, bars and rods, not further wkd. than cold-formed or cold-finished, not in coils
72161000	Iron/nonalloy steel, U,I or H-sections, not further worked than hot-rolled, hot-drawn or extruded, w/height under 80 mm
72163100	Iron/nonalloy steel, U-sections, not further worked than hot-rolled, hot-drawn or extruded, w/height of 80 mm or more
72163200	Iron/nonalloy steel, I-sections (standard beams), not further worked than hot-rolled, hot-drawn or extruded, w/height 80 mm or more
72163300	Iron/nonalloy steel, H-sections, not further worked than hot-rolled, hot-drawn or extruded, w/height 80 mm or more
72171070	Iron/nonalloy steel, flat wire, w/0.25% or more carbon, not plated or coated
72181000	Stainless steel, ingots and other primary forms
72189100	Stainless steel, semifinished products of rectangular (other than square) cross-section

HTS subheading	Product Description
72189900	Stainless steel, semifinished products, other than of rectangular (other than square) cross-section
72191100	Stainless steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thickness o/10 mm
72191300	Stainless steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick. 3 mm or more but less than 4.75 mm
72192100	Stainless steel, width 600mm+, hot-rolled flat-rolled products, not in coils, w/thickness o/10 mm
72192300	Stainless steel, width 600mm+, hot-rolled flat-rolled products, not in coils, w/thick. 3 mm or more but less than 4.75 mm
72192400	Stainless steel, width 600mm+, hot-rolled flat-rolled products, not in coils, w/thickness less than 3 mm
72201100	Stainless steel, width less th/600mm, hot-rolled flat-rolled products, w/thickness of 4.75 mm or more
72201210	Stainless steel, width 300m+ but less th/600mm, hot-rolled flat-rolled products, w/thickness of less than 4.75 mm
72202010	Stainless steel, width 300+ but less th/600mm, cold-rolled flat-rolled products
72202060	Stainless steel, width less th/300mm, cold-rolled flat-rolled products, w/thickness o/1.25 mm
72202080	Stainless razor blade steel, width less th/300mm, cold-rolled flat-rolled, w/thickness n/o 0.25 mm
72202090	Stainless steel (o/than razor blade steel), width less th/300mm, cold-rolled flat-rolled products, w/thickness n/o 0.25 mm
72221100	Stainless steel, bars and rods, hot-rolled, hot-drawn or extruded, of circular cross-section
72221900	Stainless steel, bars and rods, hot-rolled, hot-drawn or extruded, other than of circular cross-section
72222000	Stainless steel, bars and rods, not further worked than cold-formed or cold-finished, nesoi
72224030	Stainless steel, angles, shapes & sections, hot-rolled, not drilled/punched or otherwise advanced
72230090	Stainless steel, wire (other than round or flat wire)
72241000	Alloy (o/than stainless) steel, ingots and other primary forms
72249000	Alloy (o/than stainless) steel, semifinished products
72251900	Alloy silicon electrical steel (other than grain-oriented), width 600mm+, flat-rolled products
72253011	Alloy tool steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick. of 4.75 mm or more
72253051	Alloy tool steel, width 600mm+, hot-rolled flat-rolled products, in coils, w/thick. of less than 4.75 mm
72254070	Alloy (o/th stainless, silicon elect., hi-speed, or tool) steel, width 600mm+, hot-rolled flat-rolled prod., n/coils, w/thick less 4.75mm
72255070	Alloy heat-resisting steel, width 600mm+, cold-rolled flat-rolled products, w/thickness less than 4.75 mm
72255080	Alloy steel (o/th heat-resisting), width 600mm+, cold-rolled flat-rolled products, w/thickness less than 4.75 mm

HTS subheading	Product Description
72259100	Alloy steel, width 600mm+, flat-rolled products further worked than cold-rolled, electrolytically plated or coated with zinc
72259200	Alloy steel, width 600mm+, flat-rolled products further worked than cold-rolled, plated or coated with zinc (o/than electrolytically)
72259900	Alloy steel, width 600mm+, flat-rolled products further worked than cold-rolled, nesoi
72261110	Alloy silicon electrical steel (grain-oriented), width 300mm+ but less th/600mm, flat-rolled products
72261190	Alloy silicon electrical steel (grain-oriented), width less th/300mm, flat-rolled products
72261910	Alloy silicon electrical steel (o/than grain-oriented), width 300mm+ but less th/600mm, flat-rolled products
72261990	Alloy silicon electrical steel (o/than grain-oriented), width less th/300mm, flat-rolled products
72269115	Alloy tool steel (o/than hi-speed/chipper knife), width 300mm+ but less th/600mm, hot-rolled flat-rolled products
72269150	Alloy steel (o/than silicon elect./tool), width less th/600mm, hot-rolled flat-rolled products, w/thickness of 4.75 mm or more
72269210	Alloy tool steel (o/than hi-speed), width 300mm+ but less th/600mm, cold-rolled flat-rolled products
72269230	Alloy tool steel (o/than hi-speed), width less th/300mm, cold-rolled flat-rolled products
72269270	Alloy steel (o/than tool), width less th/300mm, cold-rolled flat-rolled products, w/thickness n/o 0.25 mm
72269280	Alloy steel (o/than tool), width less th/300mm, cold-rolled flat-rolled products, w/thickness o/0.25 mm
72269901	Alloy steel, width less than 600mm, flat-rolled products further worked than cold-rolled, nesoi
72272000	Alloy silico-manganese steel, bars and rods in irregularly wound coils, hot-rolled
72279010	Alloy tool steel (o/than hi-speed), bars & rods in irregular wound coils, hot-rolled, n/tempered, treated or partly manufactured
72279020	Alloy tool steel (o/than hi-speed), bars and rods in irregularly wound coils, hot-rolled, nesoi
72282010	Alloy silico-manganese steel, bars and rods, not cold-formed, o/than hot-rolled and in irregularly wound coils
72285050	Alloy steel (o/than tool), bars and rods, not further worked than cold-formed or cold-finished
72286010	Alloy tool steel (o/than hi-speed), bars and rods, further worked than hot-rolled, forged, cold-formed or cold-finished
72286060	Alloy steel (o/than tool), bars and rods, further worked than hot-rolled, forged but not cold-formed
72286080	Alloy steel (o/than tool), bars and rods, cold-formed
72299010	Alloy steel (o/than hi-speed/silico-mang.), flat wire
73021050	Alloy steel, rails for railway or tramway tracks
73041950	Alloy (other than stainless) steel, seamless line pipe used for oil or gas pipelines
73042430	Stainless steel, seamless casing pipe, threaded or coupled, of a kind used in drilling for oil or gas

HTS subheading	Product Description
73042440	Stainless steel, seamless casing pipe, not threaded or coupled, of a kind used in drilling for oil or gas
73042910	Iron (o/than cast) or nonalloy steel, seamless casing pipe, threaded or coupled, of a kind used in drilling for oil or gas
73042920	Iron (o/than cast) or nonalloy steel, seamless casing pipe, not threaded or coupled, of a kind used in drilling for oil or gas
73042931	Alloy (other than stainless) steel, seamless casing pipe, threaded or coupled, of a kind used in drilling for oil or gas
73042941	Alloy (other than stainless) steel, seamless casing pipe, not threaded or coupled, of a kind used in drilling for oil or gas
73042950	Iron (o/than cast) or nonalloy, seamless tubing, of a kind used in drilling for oil or gas
73042961	Alloy (other than stainless) steel, seamless tubing, of a kind used in drilling for oil or gas
73045960	Heat-resisting alloy steel (o/than stainless), seamless, n/cold-drawn/cold-rolled, tubes, pipes, etc., w/circ. cross sect., nesoi
73051150	Alloy steel, seamed, circ. w/cross sect. & ext. diam o/406.4mm, line pipe, long. submerg. arc weld., used for oil/gas pipelines
73051210	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam o/406.4mm, line pipe, long. welded nesoi, used for oil/gas
73051250	Alloy steel, seamed, w/circ. cross sect. & ext. diam o/406.4mm, line pipe, long. welded nesoi, used for oil/gas pipelines
73051910	Iron or nonalloy steel, seamed, w/circ. cross sect.& ext. diam o/406.4mm, line pipe, not long. welded, used for oil/gas
73051950	Alloy steel, seamed, w/circ. cross sect. & ext. diam o/406.4mm, line pipe, not long. welded, used for oil/gas pipelines
73052020	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, casing pipe, threaded/coupled, of kind for drilling for oil/gas
73052040	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, casing pipe, n/threaded/coupled, of kind for drill. for oil/gas
73052080	Alloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, casing pipe, n/threaded/coupled, of kind for drilling for oil/gas
73053120	Steel, long. welded, w/circ. cross sect & ext. diam o/406.4mm, tapered pipes and tubes principally used as pts of illuminating arts.
73053160	Alloy steel, long. welded, w/circ. cross sect. & ext. diam. o/406.4mm, tubes and pipes, o/than used in oil/gas drill. or pipelines
73059010	Iron or nonalloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, not welded, tubes and pipes, o/th used in oil/gas drill.etc
73059050	Alloy steel, seamed, w/circ. cross sect. & ext. diam. o/406.4mm, not welded, tubes and pipes, o/than used in oil/gas drill. or pipelines
73061100	Welded stainless steel, w/ext. diam 406.4mm or less or o/than circ. x-sect, line pipe of a kind used for oil and gas pipelines
73061910	Iron or nonalloy steel, seamed, w/ext. diam. 406.4mm or less or o/than circ. x-sect, line pipe of a kind used for oil and gas pipelines
73061951	Alloy steel, seamed (o/than welded stainless steel), w/ext. diam 406.4mm or less or o/than circ. x-sect, line pipe of a kind used for oil an

HTS subheading	Product Description
73062910	Iron or nonalloy steel, seamed, w/ext. diam 406.4mm or less or o/than circ. x-sect, threaded/coupled, casing of kind used in drill. oil/gas
73062920	Iron or nonalloy steel, seamed, w/ext. diam 406.4mm or less or o/than circ. x-sect, n/threaded/coupled, casing kind used drill for oil/gas
73062941	Alloy steel, seamed (o/than welded stainless steel), w/ext. diam 406.4mm or less or o/than circ. x-sect, n/threaded/coupled, casing of kind
73062960	Iron or nonalloy steel, seamed, w/ext. diam. 406.4mm or less or o/than circ. x-sect, tubing of a kind used for drilling for oil/gas
73063010	Iron or nonalloy steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow profiles, w/wall thick. less than 1.65 mm
73063030	Nonalloy steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, tapered pipes & tubes, w/wall thick. of 1.65 mm+, pts. of illum. arts.
73064050	Stainless steel, welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow profiles, w/wall thick. of 1.65 mm or more
73065010	Alloy steel (o/stainless), welded, w/circ. x-sect & ext. diam. 406.4mm or less, tubes, pipes, hollow prof., w/wall thick. less th/1.65 mm
73066110	Iron or nonalloy steel, welded, w/square or rectangular x-sect, tubes, pipes and hollow profiles, w/wall thickness of 4 mm or more
73066130	Alloy steel, welded, w/square or rectangular x-sect, tubes, pipes and hollow profiles, w/wall thickness of 4 mm or more
73066150	Iron or nonalloy steel, welded, w/square or rectangular x-sect, tubes, pipes and hollow profiles, w/wall thickness less than 4 mm
73066910	Iron or nonalloy steel, welded, w/other non-circ. x-sect, tubes, pipes and hollow profiles, w/wall thickness of 4 mm or more
73066930	Alloy steel, welded, w/other non-circ. x-sect, tubes, pipes and hollow profiles, w/wall thickness of 4 mm or more
73066950	Iron or nonalloy steel, welded, w/other non-circ. x-sect, tubes, pipes and hollow profiles, w/wall thickness less than 4 mm
73066970	Alloy steel, welded, w/other non-circ. x-sect, tubes, pipes and hollow profiles, w/wall thickness less than 4 mm
73181600	Iron or steel, nuts
73202010	Iron or steel, helical springs, suitable for motor-vehicle suspension
73202050	Iron or steel, helical springs (o/than suitable for motor-vehicle suspension)
76011030	Aluminum (o/than alloy), unwrought, in coils, w/uniform x-section throughout length & w/least cross-sectional dimension n/o 9.5 mm
76011060	Aluminum (o/than alloy), unwrought nesoi
76012060	Aluminum alloys, w/25% or more by weight of silicon, unwrought nesoi
76012090	Aluminum alloys nesoi, unwrought nesoi
76041010	Aluminum (o/than alloy), profiles
76041030	Aluminum (o/than alloy), bar and rods, with a round cross section
76041050	Aluminum (o/than alloy), bar and rods, other than with a round cross section
76042100	Aluminum alloy, hollow profiles
76042910	Aluminum alloy, profiles (o/than hollow profiles)
76042930	Aluminum alloy, bars and rods, having a round cross section
76042950	Aluminum alloy, bars and rods, other than with a round cross section

HTS subheading	Product Description
76051100	Aluminum (o/than alloy), wire, with a maximum cross-sectional dimension over 7 mm
76051900	Aluminum (o/than alloy), wire, with a maximum cross-sectional dimension of 7 mm or less
76052100	Aluminum alloy, wire, with a maximum cross-sectional dimension over 7 mm
76052900	Aluminum alloy, wire, with a maximum cross-sectional dimension of 7 mm or less
76061160	Aluminum (o/than alloy), plates/sheets/strip, w/thick. o/0.2mm, rectangular (incl. sq), clad
76061230	Aluminum alloy, plates/sheets/strip, w/thick. o/0.2mm, rectangular (incl. sq), not clad
76061260	Aluminum alloy, plates/sheets/strip, w/thick. o/0.2mm, rectangular (incl. sq), clad
76069130	Aluminum (o/than alloy), plates/sheets/strip, w/thick. o/0.2mm, o/than rectangular (incl. sq), not clad
76069160	Aluminum (o/than alloy), plates/sheets/strip, w/thick. o/0.2mm, o/than rectangular (incl. sq), clad
76069230	Aluminum alloy, plates/sheets/strip, w/thick. o/0.2mm, o/than rectangular (incl. sq), not clad
76069260	Aluminum alloy, plates/sheets/strip, w/thick. o/0.2mm, o/than rectangular (incl. sq), clad
76071910	Aluminum, etched capacitor foil, w/thickness n/o 0.2 mm, not rolled or rolled and further worked, not backed
76071960	Aluminum, foil nesoi, w/thickness o/0.15mm but n/o 0.2 mm or 0.15mm or less & not cut to shape, not rolled, not backed, nesoi
76072010	Aluminum, foil, w/thickness n/o 0.2 mm, backed, covered or decorated with a character, design, fancy effect or pattern
76082000	Aluminum alloy, tubes and pipes
76090000	Aluminum, fittings for tubes and pipes
83021030	Iron or steel, aluminum, or zinc hinges and base metal parts thereof, designed for motor vehicles
84011000	Nuclear reactors
84012000	Machinery and apparatus for isotopic separation, and parts thereof
84013000	Fuel elements (cartridges), non-irradiated and parts thereof
84014000	Parts of nuclear reactors
84021100	Watertube boilers with a steam production exceeding 45 tons per hour
84021200	Watertube boilers with a steam production not exceeding 45 tons per hour
84021900	Vapor-generating boilers, including hybrid boilers, other than watertube boilers
84022000	Super-heated water boilers
84029000	Parts of steam- or other vapor-generating boilers
84031000	Central heating boilers (other than those of heading 8402)
84039000	Parts of central heating boilers (other than those of heading 8402)
84042000	Condensers for steam or other vapor power units
84049000	Parts for auxiliary plant for use with boilers of heading 8402 and 8403 and condensers for steam or vapor power units
84051000	Producer gas or water gas generators, acetylene gas generators and similar water process gas generators; with or without their purifiers
84059000	Parts for gas generators of subheading 8405.10

HTS subheading	Product Description
84061010	Steam turbines for marine propulsion
84061090	Vapor turbines (other than steam) for marine propulsion
84068190	Vapor turbines (excluding steam turbines) other than for marine propulsion, of an output exceeding 40 MW
84068290	Vapor turbines (excluding steam turbines) other than for marine propulsion, of an output not exceeding 40 MW
84071000	Spark-ignition reciprocating or rotary internal combustion piston engines for use in aircraft
84072100	Marine propulsion spark-ignition reciprocating or rotary internal-combustion piston engines for outboard motors
84072900	Marine propulsion spark-ignition reciprocating or rotary internal-combustion piston engines, nesi
84081000	Marine propulsion compression-ignition internal-combustion piston engines
84089010	Compression-ignition internal-combustion piston engines, to be installed in agricultural or horticultural machinery or equipment, nesi
84089090	Compression-ignition internal-combustion piston engines, for machinery or equipment, nesi
84091000	Parts for internal combustion aircraft engines
84101100	Hydraulic turbines and water wheels of a power not exceeding 1,000 kW
84101200	Hydraulic turbines and water wheels of a power exceeding 1,000 kW but not exceeding 10,000 kW
84101300	Hydraulic turbines and water wheels of a power exceeding 10,000 kW
84109000	Parts, including regulators, of hydraulic turbines and water wheels
84111140	Aircraft turbojets of a thrust not exceeding 25 kN
84111180	Turbojets of a thrust not exceeding 25 kN, other than aircraft
84111240	Aircraft turbojets of a thrust exceeding 25 kN
84111280	Turbojets of a thrust exceeding 25 kN, other than aircraft
84112140	Aircraft turbopropellers of a power not exceeding 1,100 kW
84112180	Turbopropellers of a power not exceeding 1,100 kW, other than aircraft
84112240	Aircraft turbopropellers of a power exceeding 1,100 kW
84112280	Turbopropellers of a power exceeding 1,100 kW, other than aircraft
84118140	Aircraft gas turbines other than turbojets or turbopropellers, of a power not exceeding 5,000 kW
84118180	Gas turbines other than turbojets or turbopropellers, of a power not exceeding 5,000 kW, other than aircraft
84118240	Aircraft gas turbines other than turbojets or turbopropellers, of a power exceeding 5,000 kW
84118280	Gas turbines, other than turbojets or turbopropellers of a power exceeding 5,000 kW, other than aircraft
84119110	Cast-iron parts of turbojets or turbopropellers machined only for removal of fins, gates, etc. or to permit location in machinery
84119190	Parts of turbojets or turbopropellers other than those of subheading 8411.91.10
84119910	Cast-iron parts of gas turbines nesi, not advanced beyond cleaning, and machined for removal of fins, gates, sprues and risers
84119990	Parts of gas turbines nesi, other than those of subheading 8411.99.10

HTS subheading	Product Description
84121000	Reaction engines other than turbojets
84122100	Hydraulic power engines and motors, linear acting (cylinders)
84122940	Hydrojet engines for marine propulsion
84122980	Hydraulic power engines and motors, nesi
84123100	Pneumatic power engines and motors, linear acting (cylinders)
84123900	Pneumatic power engines and motors, other than linear acting
84128010	Spring-operated and weight-operated motors
84128090	Engines and motors, nesi (excluding motors of heading 8501)
84129010	Parts of hydrojet engines for marine propulsion
84131900	Pumps for liquids fitted or designed to be fitted with a measuring device, nesi
84134000	Concrete pumps for liquids, not fitted with a measuring device
84135000	Reciprocating positive displacement pumps for liquids, not fitted with a measuring device, nesi
84136000	Rotary positive displacement pumps for liquids, not fitted with a measuring device, nesi
84137010	Stock pumps imported for use with machines for making cellulosic pulp, paper or paperboard, not fitted with a measuring device
84137020	Centrifugal pumps for liquids, not fitted with a measuring device, nesi
84138100	Pumps for liquids, not fitted with a measuring device, nesi
84138200	Liquid elevators
84139110	Parts of fuel-injection pumps for compression-ignition engines
84139120	Parts of stock pumps imported for use with machines for making cellulosic pulp, paper or paperboard
84139190	Parts of pumps, nesi
84143040	Compressors of a kind used in refrigerating equipment (including air conditioning) not exceeding 1/4 horsepower
84143080	Compressors of a kind used in refrigerating equipment (incl. air conditioning) exceeding 1/4 horsepower
84145930	Turbocharger and supercharger fans
84148005	Turbocharger and supercharger air compressors
84148020	Gas compressors, nesi
84149030	Stators and rotors of goods of subheading 8414.30
84149041	Parts of air or gas compressors, nesoi
84149090	Parts of air or vacuum pumps and ventilating or recycling hoods
84159040	Chassis, chassis bases and other outer cabinets for air conditioning machines,
84159080	Parts for air conditioning machines, nesi
84161000	Furnace burners for liquid fuel
84162000	Furnace burners for pulverized solid fuel or for gas, including combination burners
84169000	Parts for furnace burners, mechanical stokers, mechanical grates, mechanical ash dischargers and similar appliances
84171000	Furnaces and ovens for the roasting, melting or other heat treatment of ores, pyrites or of metals
84172000	Bakery ovens, including biscuit ovens

HTS subheading	Product Description
84178000	Industrial or laboratory furnaces and ovens nesi, including incinerators, nonelectric
84179000	Parts for industrial or laboratory furnaces and ovens, including incinerators, nonelectric
84186901	Refrigerating or freezing equipment nesi
84191100	Instantaneous gas water heaters, nonelectric
84191900	Storage water heaters, nonelectric
84192000	Medical, surgical or laboratory sterilizers
84193100	Dryers for agricultural products, not used for domestic purposes
84193210	Dryers for wood
84193250	Dryers for paper pulp, paper or paperboard
84193901	Dryers, other than of a kind for domestic purposes, nesoi
84194000	Distilling or rectifying plant, not used for domestic purposes
84195010	Brazed aluminum plate-fin heat exchangers
84195050	Heat exchange units, nesoi
84196050	Machinery for liquefying air or gas, nesoi
84198150	Cooking stoves, ranges & ovens, other than microwave, for making hot drinks or for cooking or heating food, not used for domestic purposes
84198190	Machinery and equipment nesi, for making hot drinks or for cooking or heating food, not used for domestic purposes
84198960	Industrial machinery, plant or equip. for the treat. of mat., involving a change in temp., for molten-salt-cooled acrylic acid reactors
84199010	Parts of instantaneous or storage water heaters
84199020	Parts of machinery and plant, for making paper pulp, paper or paperboard
84199030	Parts of heat exchange units
84199050	Parts of molten-salt-cooled acrylic acid reactors, nesi; parts of certain medical, surgical or laboratory sterilizers, nesi
84199085	Parts of electromechanical tools for work in the hand, w/self-contained electric motor, for treatment of materials by change in temperature
84199095	Parts of machinery, plant or laboratory equipment for the treatment of materials by a process involving a change of temperature, nesoi
84201010	Textile calendering or rolling machines
84201090	Calendering or other rolling machines, other than for metals or glass, nesi
84209110	Cylinders for textile calendering or rolling machines
84209120	Cylinders for paper pulp, paper or paperboard calendering or rolling machines
84209190	Cylinders for calendering and similar rolling machines, nesi
84209920	Parts of calendering or rolling machines for making paper pulp, paper or paperboard
84209990	Parts of calendering or other rolling machines, other than for metals or glass, nesi
84211200	Centrifugal clothes dryers
84211900	Centrifuges, other than cream separators or clothes dryers
84212100	Machinery and apparatus for filtering or purifying water
84212200	Machinery and apparatus for filtering or purifying beverages other than water
84212900	Filtering or purifying machinery and apparatus for liquids, nesi
84213940	Catalytic converters

HTS subheading	Product Description
84213980	Filtering or purifying machinery and apparatus for gases, other than intake air filters for internal combustion engines or catalytic conv.
84219120	Drying chambers for the clothes-dryers of subheading 8421.12 and other parts of clothes-dryers incorporating drying chambers
84219140	Furniture designed to receive the clothes-dryers of subheading 8421.12
84219160	Parts of centrifuges, including centrifugal dryers, nesi
84219900	Parts for filtering or purifying machinery or apparatus for liquids or gases
84221100	Dishwashing machines of the household type
84221900	Dishwashing machines other than of the household type
84222000	Machinery for cleaning or drying bottles or other containers
84223011	Can-sealing machines
84223091	Machinery for filling,closing,sealing, capsuling or labeling bottles,cans, boxes or other containers;machinery for aerating beverages; nesoi
84224011	Machinery for packing or wrapping pipe tobacco, candy and cigarette packages; combination candy cutting and wrapping machines
84224091	Packing or wrapping machinery, nesoi
84229006	Parts of dishwashing machines, nesi
84229011	Parts of can-sealing machines
84229021	Parts of machines for packing tobacco, wrapping candy, cigarette packages and of combination candy cutting and wrapping machines
84229091	Parts of packing or wrapping machinery, nesoi
84232010	Scales for continuous weighing of goods on conveyors using electronic means for gauging weights
84232090	Other scales for continuous weighing of goods on conveyors
84233000	Constant weight scales and scales for discharging a predetermined weight of material into a bag or container, including hopper scales
84238200	Weighing machinery having a maximum weighing capacity exceeding 30 kg but not exceeding 5,000 kg
84238910	Weighing machinery with maximum capacity exceeding 5,000 kg, using electronic means for gauging
84238990	Weighing machinery with maximum capacity exceeding 5,000 kg, not using electronic means for gauging nesi
84239010	Parts of weighing machinery using electronic means for gauging, except parts for weighing motor vehicles
84239090	Other parts of weighing machinery, including weights
84241000	Fire extinguishers, whether or not charged
84248910	Mechanical appliances for projecting, dispersing or spraying liquids or powders, nesoi
84249005	Parts of fire extinguishers
84249010	Parts of simple piston pump sprays and powder bellows
84249020	Parts of sand blasting machines
84251100	Pulley tackle and hoists other than skip hoists or hoists used for raising vehicles, powered by electric motor
84253901	Winches nesi, and capstans, not powered by electric motor
84261100	Overhead traveling cranes on fixed support

HTS subheading	Product Description
84261200	Mobile lifting frames on tires and straddle carriers
84262000	Tower cranes
84264100	Derricks, cranes and other lifting machinery nesi, self-propelled, on tires
84264900	Derricks, cranes and other lifting machinery nesi, self-propelled, not on tires
84269900	Derricks, cranes and other lifting machinery nesi
84271040	Self-propelled works trucks powered by an electric motor, rider type forklift trucks
84271080	Self-propelled works trucks powered by an electric motor, fitted with lifting and handling equipment, nesi
84272040	Self-propelled works trucks not powered by an electric motor, rider type forklift trucks
84272080	Self-propelled works trucks not powered by an electric motor, fitted with lifting and handling equipment, nesi
84281000	Passenger or freight elevators other than continuous action; skip hoists
84282000	Pneumatic elevators and conveyors
84283100	Continuous-action elevators and conveyors, for goods or materials, specially designed for underground use
84283200	Bucket type continuous-action elevators and conveyors, for goods or materials
84283300	Belt type continuous-action elevators and conveyors, for goods or materials
84283900	Continuous-action elevators and conveyors, for goods or materials, nesi
84286000	Teleferics, chair lifts, ski draglines; traction mechanisms for funiculars
84289002	Machinery for lifting, handling, loading or unloading, nesi
84291100	Self-propelled bulldozers and angledozers, for track laying
84291900	Self-propelled bulldozers and angledozers other than track laying
84292000	Self-propelled graders and levelers
84293000	Self-propelled scrapers
84294000	Self-propelled tamping machines and road rollers
84295110	Self-propelled front-end shovel loaders, wheel-type
84295150	Self-propelled front-end shovel loaders, other than wheel-type
84295210	Self-propelled backhoes, shovels, clamshells and draglines with a 360 degree revolving superstructure
84295250	Self-propelled machinery with a 360 degree revolving superstructure, other than backhoes, shovels, clamshells and draglines
84295910	Self-propelled backhoes, shovels, clamshells and draglines not with a 360 degree revolving superstructure
84295950	Self-propelled machinery not with a 360 degree revolving superstructure, other than backhoes, shovels, clamshells and draglines
84301000	Pile-drivers and pile-extractors
84302000	Snowplows and snowblowers
84303100	Self-propelled coal or rock cutters and tunneling machinery
84303900	Coal or rock cutters and tunneling machinery, not self-propelled
84304100	Self-propelled boring or sinking machinery
84304980	Boring or sinking machinery, not self-propelled, nesi
84305050	Self-propelled machinery for working earth, minerals or ores, nesi
84306100	Tamping or compacting machinery, not self-propelled

HTS subheading	Product Description
84306901	Machinery for working earth, minerals or ores, not self-propelled, nesoi
84311000	Parts suitable for use solely or principally with the machinery of heading 8425
84312000	Parts suitable for use solely or principally with the machinery of heading 8427
84313100	Parts suitable for use solely or principally with passenger or freight elevators other than continuous action, skip hoists or escalators
84313900	Parts suitable for use solely or principally with the machinery of heading 8428, nesi
84314100	Buckets, shovels, grabs and grips suitable for use solely or principally with the machinery of headings 8426, 8429, or 8430
84314200	Bulldozer or angledozer blades suitable for use solely or principally with the machinery of heading 8426, 8429 or 8430
84314340	Parts for offshore oil & natural gas, drilling and production platforms
84314380	Parts for boring or sinking machinery of 8430.41 or 8430.49, nesi
84314910	Parts suitable for use solely or principally with the machinery of heading 8426, nesi
84314990	Parts suitable for use solely or principally with the machinery of heading 8429 or 8430, nesi
84321000	Plows for soil preparation or cultivation
84322100	Disc harrows for soil preparation or cultivation
84328000	Agricultural, horticultural or forestry machinery for soil preparation or cultivation, nesi; lawn or sports ground rollers
84329000	Parts of agricultural, horticultural or forestry machinery for soil preparation or cultivation; parts of lawn or sports ground rollers
84332000	Mowers nesi, including cutter bars for tractor mounting
84333000	Haymaking machinery other than mowers
84334000	Straw or fodder balers, including pick-up balers
84335100	Combine harvester-threshers
84335200	Threshing machinery other than combine harvester-threshers
84335300	Root or tuber harvesting machines
84335900	Harvesting machinery or threshing machinery, nesi
84336000	Machines for cleaning, sorting or grading eggs, fruit or other agricultural produce
84339050	Parts for machinery of heading 8433, nesi
84341000	Milking machines
84342000	Dairy machinery other than milking machines
84349000	Parts for milking machines and dairy machinery
84351000	Presses, crushers and similar machinery used in the manufacture of wine, cider, fruit juices or similar beverages
84359000	Parts of presses, crushers and similar machinery used in the manufacture of wine, cider, fruit juices or similar beverages
84361000	Machinery for preparing animal feeds
84362100	Poultry incubators and brooders
84362900	Poultry-keeping machinery
84368000	Agricultural, horticultural, forestry or bee-keeping machinery, nesi
84369100	Parts of poultry-keeping machinery or poultry incubators and brooders
84369900	Parts for agricultural, horticultural, forestry or bee-keeping machinery, nesi

HTS subheading	Product Description
84371000	Machines for cleaning, sorting or grading seed, grain or dried leguminous vegetables
84378000	Machinery used in the milling industry or for the working of cereals or dried leguminous vegetables, other than farm type machinery
84379000	Parts for machinery used in the milling industry or for cleaning,sorting,grading or working of cereals or dried leguminous vegetables
84381000	Bakery machinery and machinery for the manufacture of macaroni, spaghetti or similar products, nesi
84382000	Machinery for the manufacture of confectionery, cocoa or chocolate, nesi
84383000	Machinery for sugar manufacture, nesi
84384000	Brewery machinery, nesi
84385000	Machinery for the preparation of meat or poultry, nesi
84386000	Machinery for the preparation of fruits, nuts or vegetables, nesi
84388000	Machinery for the industrial preparation or manufacture of food or drink, nesi
84389010	Parts of machinery for sugar manufacture, nesi
84389090	Parts of machinery for the industrial preparation or manufacture of food or drink, other than sugar manufacturing, nesi
84391000	Machinery for making pulp of fibrous cellulosic material
84392000	Machinery for making paper or paperboard
84393000	Machinery for finishing paper or paperboard
84399110	Bed plates, roll bars and other stock-treating parts of machinery for making pulp of fibrous cellulosic materials
84399190	Parts of machinery for making pulp of fibrous cellulosic materials, nesi
84399910	Parts of machinery for making paper or paperboard
84399950	Parts of machinery for finishing paper or paperboard
84401000	Bookbinding machinery, including book-sewing machines
84409000	Parts for bookbinding machinery, including book-sewing machines
84412000	Machines for making bags, sacks or envelopes of paper pulp, paper or paperboard
84413000	Machines for making cartons, boxes, cases, tubes, drums or similar containers, other than by molding, of paper pulp, paper or paperboard
84414000	Machines for molding articles in paper pulp, paper or paperboard
84418000	Machinery for making up paper pulp, paper or paperboard, nesi
84419000	Parts for machinery used in making up paper pulp, paper or paperboard, including cutting machines
84423001	Machinery, apparatus and equipment of heading 8442
84424000	Parts of the machinery, apparatus or equipment of subheadings 8442.10, 8442.20 and 8442.30
84425090	Printing type, blocks, cylinders and other printing components; blocks, cylinders and lithographic stones, prepared for printing purposes
84431110	Reel-fed offset printing machinery, double-width newspaper printing presses
84431150	Reel-fed offset printing machinery, other than double-width newspaper printing presses
84431200	Sheet-fed offset printing machinery, office type (sheet size not exceeding 22 X 36 cm)
84431300	Offset printing machinery, nesi
84431400	Letterpress printing machinery, excluding flexographic printing, reel-fed

HTS subheading	Product Description
84431700	Gravure printing machinery
84431920	Textile printing machinery
84431930	Printing machinery, nesoi
84433250	Single function units other than printer units (machines which perform only one of the functions of printing, copying or facsimile transmiss
84433910	Electrostatic photocopying apparatus, operating by reproducing the original image directly onto the copy (direct process)
84433960	Copying machines, nesoi
84439110	Machines for uses ancillary to printing
84439120	Parts of textile printing machinery
84439130	Parts for printing machinery other than textile printing machinery
84439920	Parts of printer units of subheading 8443.32.10 specified in additional U.S. note 2 to this chapter
84439925	Parts and accessories of printers, nesoi
84439945	Parts and accessories of copying machines; nesoi
84439950	Parts and accessories of other printing, copying or facsimile machines; nesoi
84440000	Machines for extruding, drawing, texturing or cutting man-made textile materials
84451100	Carding machines for preparing textile fibers
84451200	Combing machines for preparing textile fibers
84451300	Drawing or roving machines for preparing textile fibers
84451900	Machines for preparing textile fibers, nesi
84452000	Textile spinning machines
84453000	Textile doubling or twisting machines
84454000	Textile winding (including weft-winding) or reeling machines
84459000	Machinery for producing textile yarns nesi; machines for preparing textile yarns for use on machines of heading 8446 or 8447
84461000	Weaving machines (looms) for weaving fabrics of a width not exceeding 30 cm
84462110	Shuttle type power looms for weaving fabrics of a width exceeding 4.9 m
84462150	Shuttle type power looms for weaving fabrics of a width exceeding 30 cm, but not exceeding 4.9 m
84462900	Weaving machines for weaving fabrics of a width exceeding 30 cm, shuttle type, nesi
84463010	Shuttleless type power looms, for weaving fabrics of a width exceeding 4.9 m, nesi
84471110	Circular knitting machines with cylinder diameter not exceeding 165 mm, for knitting hosiery
84471190	Circular knitting machines with cylinder diameter not exceeding 165 mm, other than for knitting hosiery
84471210	Circular knitting machines with cylinder diameter exceeding 165 mm, for knitting hosiery
84471290	Circular knitting machines with cylinder diameter exceeding 165 mm, other than for knitting hosiery
84472020	V-bed flat knitting machines, power driven, over 50.8 mm in width
84472030	V-bed flat knitting machines, nesi
84472040	Warp knitting machines
84472060	Flat knitting machines, other than V-bed or warp; stitch-bonding machines

HTS subheading	Product Description
84479010	Braiding and lace-braiding machines
84479050	Embroidery machines
84479090	Knitting machines other than circular or flat knitting; machines for making gimped yarn, tulle, trimmings or net; machines for tufting
84481100	Dobbies and Jacquards, card reducing, copying, punching or assembling machines for use with machines of heading 8444, 8445, 8446 or 8447
84481900	Auxiliary machinery for machines of heading 8444, 8445, 8446 or 8447, nesi
84482010	Parts and accessories of machines for extruding or drawing man-made textile filaments
84482050	Parts and accessories of machines of heading 8444 or of their auxiliary machinery, nesi
84483100	Card clothing as parts and accessories of machines of heading 8445 or of their auxiliary machinery
84483200	Parts and accessories of machines for preparing textile fibers, other than card clothing
84483300	Spindles, spindle flyers, spinning rings and ring travellers of machines of heading 8445 or of their auxiliary machines
84483910	Parts of spinning, doubling or twisting machines of heading 8445 or of their auxiliary machinery
84483950	Parts of winding or reeling machines of heading 8445 or of their auxiliary machinery
84483990	Parts and accessories of machines of heading 8445 or their auxiliary machinery, nesi
84484200	Reeds for looms, healds and heald-frames of weaving machines (looms) or their auxiliary machinery
84484910	Shuttles for weaving machines (looms)
84484920	Parts and accessories of weaving machines (looms) or of their auxiliary machinery, other than shuttles, reeds, healds and heald-frames
84485110	Latch needles for knitting machines
84485130	Needles for knitting machines other than latch needles or spring-beard needles
84485150	Sinkers, needles and other articles used to form stitches, nesi, for machines of heading 8447
84485910	Parts of knitting machines of heading 8447 or of their auxiliary machinery, nesi
84485950	Accessories of machines of heading 8447 or of their auxiliary machinery, nesi
84490010	Finishing machinery for felt or nonwovens and parts thereof
84490050	Machinery for making felt hats; blocks for making hats; parts thereof
84522110	Sewing machines specially designed to join footwear soles to uppers, automatic
84522910	Sewing machines, other than automatic, specially designed to join footwear soles to uppers
84523000	Sewing machine needles
84529020	Parts of sewing machines, nesi
84531000	Machinery for preparing, tanning or working hides, skins or leather
84532000	Machinery for making or repairing footwear
84538000	Machinery, nesi, for making or repairing articles of hides, skins or leather
84539010	Parts of machinery for making or repairing footwear
84539050	Parts of machinery for preparing, tanning or working hides, skins or leather or making or repairing articles of same, nesi

HTS subheading	Product Description
84541000	Converters of a kind used in metallurgy or in metal foundries
84543000	Casting machines, of a kind used in metallurgy or in metal foundries
84549000	Parts of converters, ladles, ingot molds and casting machines, of a kind used in metallurgy or in metal foundries
84551000	Metal-rolling tube mills
84552100	Metal-rolling mills, other than tube mills, hot or combination hot and cold
84552200	Metal-rolling mills, other than tube mills, cold
84553000	Rolls for metal-rolling mills
84559080	Parts for metal-rolling mills, other than rolls, nesi
84561110	Machine tools operated by laser, for working metal
84561170	Machine tools operated by laser, of a kind used solely or principally for manufacture of printed circuits
84561190	Machine tools operated by laser, nesoi
84561210	Machine tools operated by light or photon beam processes, for working metal
84561270	Machine tools operated by light or photon beam processes, of a kind used solely or principally for the manufacture of printed circuits
84561290	Machine tools operated by light or photon beam processes, nesoi
84562010	Machine tools operated by ultrasonic processes, for working metal
84562050	Machine tools operated by ultrasonic processes, other than for working metal
84563010	Machine tools operated by electro-discharge processes, for working metal
84563050	Machine tools operated by electro-discharge processes, other than for working metal
84564010	Machine tools operated by plasma arc process, for working metal
84564090	Machine tools operated by plasma arc process, other than for working metal
84565000	Water-jet cutting machines
84569031	Machine tools operated by electro-chemical or ionic-beam processes, for working metal
84569071	Machine tools operated by electro-chemical or ionic-beam processes, other than for working metal
84571000	Machining centers for working metal
84572000	Unit construction machines (single station), for working metal
84573000	Multistation transfer machines for working metal
84581100	Horizontal lathes (including turning centers) for removing metal, numerically controlled
84581900	Horizontal lathes (including turning centers) for removing metal, other than numerically controlled
84589110	Vertical turret lathes (including turning centers) for removing metal, numerically controlled
84589150	Lathes (including turning centers), other than horizontal or vertical turret lathes, for removing metal, numerically controlled
84589910	Vertical turret lathes (including turning centers) for removing metal, other than numerically controlled
84589950	Lathes (including turning centers), other than horizontal or vertical turret lathes, for removing metal, other than numerically controlled

HTS subheading	Product Description
84591000	Way-type unit head machines for drilling, boring, milling, threading or tapping by removing metal, other than lathes of heading 8458
84592100	Drilling machines, numerically controlled, nesi
84593100	Boring-milling machines, numerically controlled, nesi
84593900	Boring-milling machines, other than numerically controlled, nesi
84594100	Boring machines, numerically controlled, nesoi
84594900	Boring machines, not numerically controlled, nesoi
84595100	Milling machines, knee type, numerically controlled, nesi
84596100	Milling machines, other than knee type, numerically controlled, nesi
84596900	Milling machines, other than knee type, other than numerically controlled, nesi
84597040	Other threading or tapping machines, numerically controlled
84597080	Other threading or tapping machines nesi
84601200	Flat-surface grinding machines, numerically controlled
84601901	Flat-surface grinding machines, not numerically controlled
84602200	Centerless grinding machines, numerically controlled
84602300	Other cylindrical grinding machines, numerically controlled
84602400	Other grinding machines, numerically controlled
84602901	Other grinding machines, other than numerically controlled
84603100	Sharpening (tool or cutter grinding) machines for working metal or cermets, numerically controlled
84604040	Honing or lapping machines for working metal or cermets, numerically controlled
84604080	Honing or lapping machines for working metal or cermets, other than numerically controlled
84609040	Other machine tools for deburring, polishing or otherwise finishing metal or cermets, nesoi, numerically controlled
84609080	Other machine tools for deburring, polishing or otherwise finishing metal or cermets, nesoi, other than numerically controlled
84612040	Shaping or slotting machines for working by removing metal or cermets, numerically controlled
84612080	Shaping or slotting machines for working by removing metal or cermets, other than numerically controlled
84613040	Broaching machines for working by removing metal or cermets, numerically controlled
84613080	Broaching machines for working by removing metal or cermets, other than numerically controlled
84614010	Gear cutting machines for working by removing metal or cermets
84614050	Gear grinding or finishing machines for working by removing metal or cermets
84615040	Sawing or cutting-off machines for working by removing metal or cermets, numerically controlled
84619030	Machine-tools for working by removing metal or cermets, nesoi, numerically controlled
84619060	Machine-tools for working by removing metal or cermets, nesoi, other than numerically controlled
84621000	Forging or die-stamping machines (including presses) and hammers

HTS subheading	Product Description
84622100	Bending, folding, straightening or flattening machines (including presses) numerically controlled for working metal or metal carbides
84622900	Bending, folding, straightening or flattening machines (including presses) not numerically controlled for working metal or metal carbides
84623100	Shearing machines (incl. presses), excl. combined punching & shearing machines, numerically controlled for working metal or metal carbides
84623900	Shearing machines (incl. presses), excl. combined punch & shearing machines, nt numerically controlled for working metal or metal carbides
84624100	Punch/notch machines (incl. presses), incl. combined punch & shearing machines, numerically controlled for working metal or metal carbides
84624900	Punch/notch machines (incl. presses), incl. combined punch & shear machines, nt numerically controlled for working metal or metal carbides
84629140	Hydraulic presses, numerically controlled
84629180	Hydraulic presses, not numerically controlled
84629940	Machine tools (including nonhydraulic presses) for working metal or metal carbides, nesi, numerically controlled
84629980	Machine tools (including nonhydraulic presses) for working metal or metal carbides, nesi, not numerically controlled
84631000	Draw-benches for bars, tubes, profiles, wire or the like, for working metal or cermets, without removing material
84632000	Thread rolling machines for working metal or cermets, without removing material
84633000	Machines for working wire of metal or cermets, without removing material
84639000	Machine tools for working metal or cermets, without removing material, nesoi
84642001	Grinding or polishing machines for working stone, ceramics, concrete, asbestos-cement or like mineral materials, or glass, nesi
84649001	Machine tools for working stone, ceramics, concrete, asbestos-cement or like mineral materials or for cold working glass, nesoi
84651000	Machines for working certain hard materials which can carry out different types of machining operations w/o tool change between operations
84659200	Planing, milling or molding (by cutting) machines for working wood, cork, bone, hard rubber, hard plastics or similar hard materials
84659300	Grinding, sanding or polishing machines for working wood, cork, bone, hard rubber, hard plastics or similar hard materials
84659400	Bending or assembling machines for working wood, cork, bone hard rubber, hard plastics or similar hard materials
84659902	Machine tools for working wood, cork, bone, hard rubber, hard plastics and similar hard materials, nesoi
84661001	Tool holders and self-opening dieheads for use solely or principally with machines of headings 8456 to 8465, nesoi
84662010	Work holders for machine tools used in cutting gears
84662080	Work holders for machine tools other than those used in cutting gears, nesoi
84663010	Dividing heads for use solely or principally for machine tools of headings 8456 to 8465
84663060	Special attachments (which are machines) use solely or principally for machines of heading 8456 to 8465, excluding dividing heads, nesoi
84669150	Parts and accessories nesi, for machines of heading 8464

HTS subheading	Product Description
84669210	Cast-iron parts not advanced beyond cleaning and specifically machined, for machines of heading 8465
84669250	Parts and accessories nesi, for machines of heading 8465
84669311	Certain parts for water-jet cutting machines
84669330	Certain specified parts and accessories of metal working machine tools for cutting gears
84669353	Certain specified parts and accessories for machines of heading 8456 to 8461, nesoi
84669360	Other cast-iron parts not advanced beyond cleaning and specifically machined, for metalworking machine tools for cutting, etc.
84669375	Other parts and accessories of metal working machine tools for cutting gears
84669396	Parts & accessories for machines of heading 8456 to 8461 used to make printed circuits or PCAs, parts of heading 8517 or computers
84669398	Other parts and accessories for machines of heading 8456 to 8461, nesoi
84669420	Certain specified cast-iron parts not advanced beyond cleaning and specifically machined, for machines of heading 8462 or 8463
84669440	Other cast-iron parts not advanced beyond cleaning and specifically machined, for machines of heading 8462 or 8463
84669465	Other specified parts and accessories for machines of heading 8462 or 8463, nesoi
84669485	Other parts and accessories for machines of heading 8462 or 8463, nesoi
84671110	Tools for working in the hand, pneumatic, rotary type, suitable for metal working
84671150	Tools for working in the hand, pneumatic, rotary type, other than suitable for metal working
84671910	Tools for working in the hand, pneumatic, other than rotary type, suitable for metal working
84678100	Chain saws for working in the hand, hydraulic or with self-contained nonelectric motor
84678910	Other tools for working in the hand, hydraulic or with self-contained nonelectric motor, suitable for metal working, nesoi
84678950	Other tools for working in the hand, hydraulic or with self-contained nonelectric motor, other than suitable for metal working, nesoi
84679101	Parts of chain saws
84679200	Parts of pneumatic tools for working in the hand
84681000	Hand-held blow torches
84682050	Gas-operated machinery, apparatus and appliances, not hand-directed or -controlled, used for soldering, brazing, welding or tempering, nesi
84688050	Machinery and apparatus other than hand-directed or -controlled, used for soldering, brazing or welding, not gas-operated
84705000	Cash registers
84716080	Optical scanners and magnetic ink recognition devices not entered with the rest of a ADP system
84717030	ADP magnetic disk drive storage units, disk dia. ov 21 cm, nesoi, not entered with the rest of a system
84717040	ADP magnetic disk drive storage units, disk dia. n/ov 21 cm,not in cabinet, w/o attached external power supply, n/entered w/rest of a system

HTS subheading	Product Description
84717060	ADP storage units other than magnetic disk, not in cabinets for placing on a table, etc., not entered with the rest of a system
84717090	ADP storage units other than magnetic disk drive units, nesoi, not entered with the rest of a system
84733020	Parts and accessories of the ADP machines of heading 8471, not incorporating a CRT, parts and accessories of printed circuit assemblies
84734010	Printed circuit assemblies for automatic teller machines of subheading 8472.90.10
84734086	Other parts and accessories of machines of heading 8472, nesoi
84735030	Printed circuit assemblies suitable for use with machines of two or more of the headings 8469 to 8472
84741000	Sorting, screening, separating or washing machines for earth, stones, ores or other mineral substances in solid form
84742000	Crushing or grinding machines for earth, stones, ores or other mineral substances
84743100	Concrete or mortar mixers
84743200	Machines for mixing mineral substances with bitumen
84743900	Mixing or kneading machines for earth, stones, ores or other mineral substances, nesi
84748000	Machinery for agglomerating, shaping or molding solid mineral fuels, or other mineral products; machines for forming sand foundry molds
84749000	Parts for the machinery of heading 8474
84751000	Machines for assembling electric or electronic lamps, tubes or flashbulbs, in glass envelopes
84752100	Machines for making glass optical fibers and preforms thereof
84759010	Parts of machines for assembling electric or electronic lamps, tubes or flashbulbs, in glass envelopes
84759090	Parts of machines for manufacturing or hot working glass or glassware
84768900	Automatic goods-vending (other than beverage-vending but incl. money-changing machines) not incorporating heating or refrigerating devices
84771030	Injection-molding machines for manufacturing shoes of rubber or plastics
84771040	Injection-molding machines for use in the manufacture of video laser discs
84771090	Injection-molding machines of a type used for working or manufacturing products from rubber or plastics, nesoi
84772000	Extruders for working rubber or plastics or for the manufacture of products from these materials, nesi
84773000	Blow-molding machines for working rubber or plastics or for the manufacture of products from these materials
84774001	Vacuum-molding and other thermoforming machines for working rubber or plastics or for manufacture of products from these materials, nesoi
84775100	Machinery for molding or retreading pneumatic tires or for molding or otherwise forming inner tubes
84778000	Machinery for working rubber or plastics or for the manufacture of products from these materials, nesi
84779025	Base, bed, platen and specified parts of machinery for working rubber or plastics or for manufacture of products from these material, nesoi
84779045	Barrel screws of machinery for working rubber or plastics or for the manufacture of products from these materials, nesoi

HTS subheading	Product Description
84779065	Hydraulic assemblies of machinery for working rubber or plastics or for the manufacture of products from these materials, nesoi
84779085	Parts of machinery for working rubber or plastics or for the manufacture of products from these materials, nesoi
84781000	Machinery for preparing or making up tobacco, nesi
84789000	Parts of machinery for preparing or making up tobacco, nesi
84791000	Machinery for public works, building or the like, nesi
84792000	Machinery for the extraction or preparation of animal or fixed vegetable fats or oils, nesi
84793000	Presses for making particle board or fiber building board of wood or other ligneous materials, and mach. for treat. wood or cork, nesi
84794000	Rope- or cable-making machines nesi
84795000	Industrial robots, not elsewhere specified or included
84797900	Other passenger boarding bridges
84798100	Machines and mechanical appliances for treating metal, including electric wire coil-winders, nesi
84798200	Machines for mixing, kneading, crushing, grinding, screening, sifting, homogenizing, emulsifying or stirring, nesi
84798955	Electromechanical appliances with self-contained electric motor, trash compactors
84798965	Electromechanical appliances with self-contained electric motor, nesi
84798983	Machines for the manufacture of optical media
84798992	Automated electronic component placement machines for making printed circuit assemblies
84799041	Parts of floor polishers of subheading 8479.89.20; parts of carpet sweepers
84799045	Parts of trash compactors, frame assemblies
84799055	Parts of trash compactors, ram assemblies
84799065	Parts of trash compactors, container assemblies
84799075	Parts of trash compactors, cabinets or cases
84799085	Parts of trash compactors, nesi
84799094	Parts of machines and mechanical appliances having individual functions, not specified or included elsewhere in chapter 84, nesoi
84802000	Mold bases
84803000	Molding patterns
84804100	Molds for metal or metal carbides, injection or compression types
84804900	Molds for metal or metal carbides other than injection or compression types
84805000	Molds for glass
84806000	Molds for mineral materials
84807110	Molds for rubber or plastics, injection or compression types, for shoe machinery
84807140	Injection or compression type molds for rubber or plastics for the manufacture of semiconductor devices
84807180	Molds for rubber or plastics, injection or compression types, other than for shoe machinery or for manufacture of semiconductor devices
84811000	Pressure-reducing valves for pipes, boiler shells, tanks, vats or the like
84812000	Valves for oleohydraulic or pneumatic transmissions

HTS subheading	Product Description
84813020	Check valves of iron or steel for pipes, boiler shells, tanks, vats or the like
84813090	Check valves other than of copper or iron or steel, for pipes, boiler shells, tanks, vats or the like
84814000	Safety or relief valves for pipes, boiler shells, tanks, vats or the like
84819090	Parts of taps, cocks, valves and similar appliances for pipes, boiler shells, tanks, vats or the like, nesi
84821050	Ball bearings other than ball bearings with integral shafts
84822000	Tapered roller bearings, including cone and tapered roller assemblies
84823000	Spherical roller bearings
84824000	Needle roller bearings
84825000	Cylindrical roller bearings nesi
84828000	Ball or roller bearings nesi, including combined ball/roller bearings
84829100	Balls, needles and rollers for ball or roller bearings
84829905	Inner or outer rings or races for ball bearings
84829915	Inner or outer rings or races for taper roller bearings
84829925	Inner or outer rings or races for other bearings, nesi
84829935	Parts of ball bearings (including parts of ball bearings with integral shafts), nesi
84829945	Parts of tapered roller bearings, nesi
84829965	Parts of other ball or roller bearings, nesi
84833040	Bearing housings of the flange, take-up, cartridge and hanger unit type
84834010	Torque converters
84834030	Fixed, multiple and variable ratio speed changers, imported for use with machines for making cellulosic pulp, paper or paperboard
84834080	Ball or roller screws
84834090	Gears and gearing, other than toothed wheels, chain sprockets and other transmission elements entered separately
84835060	Flywheels, nesi
84835090	Pulleys, including pulley blocks, nesi
84836040	Clutches and universal joints
84839010	Chain sprockets and parts thereof
84839020	Parts of flange, take-up, cartridge and hanger units
84839030	Parts of bearing housings and plain shaft bearings, nesi
84839070	Parts of articles of subheading 8483.20
84839080	Parts of transmission equipment, nesi
84841000	Gaskets and similar joints of metal sheeting combined with other material or of two or more layers of metal
84842000	Mechanical seals
84849000	Sets or assortments of gaskets and similar joints dissimilar in composition, put up in pouches, envelopes or similar packings
84871000	Ships' or boats propellers and blades therefor
84879000	Machinery parts, not containing electrical connectors, insulators, coils, contacts or other electrical features and other parts nesi

HTS subheading	Product Description
85011040	Electric motors of an output of under 18.65 W, other than synchronous valued not over $4 each
85012020	Universal AC/DC motors of an output exceeding 37.5 W but not exceeding 74.6 W
85012050	Universal AC/DC motors of an output exceeding 735 W but under 746 W
85012060	Universal AC/DC motors of an output of 746 W or more
85013120	DC motors nesi, of an output exceeding 37.5 W but not exceeding 74.6 W
85013150	DC motors, nesi, of an output exceeding 735 W but under 746 W
85013160	DC motors nesi, of an output of 746 W but not exceeding 750 W
85013245	DC motors nesi, of an output exceeding 14.92 kW but not exceeding 75 kW, used as primary source of mechanical power for electric vehicles
85013255	DC motors nesi, of an output exceeding 14.92 kW but not exceeding 75 kW, nesi
85013340	DC motors nesi, of an output exceeding 150 kW but not exceeding 375 kW
85013360	DC generators of an output exceeding 75 kW but not exceeding 375 kW
85013430	DC motors nesi, of an output exceeding 375 kW
85013460	DC generators of an output exceeding 375 kW
85015120	AC motors nesi, multi-phase, of an output exceeding 37.5 W but not exceeding 74.6 W
85015140	AC motors, nesi, multi-phase, of an output exceeding 74.6 W but not exceeding 735 W
85015150	AC motors, nesi, multi-phase, of an output exceeding 735 W but under 746 W
85015160	AC motors nesi, multi-phase of an output of 746 W but not exceeding 750 W
85015280	AC motors nesi, multi-phase, of an output exceeding 14.92 kW but not exceeding 75 kW
85015340	AC motors nesi, multi-phase, of an output exceeding 75 kW but under 149.2 kW
85015380	AC motors nesi, multi-phase, of an output exceeding 150 kW
85016200	AC generators (alternators) of an output exceeding 75 kVA but not exceeding 375 kVA
85016300	AC generators (alternators) of an output exceeding 375 kVA but not exceeding 750 kVA
85016400	AC generators (alternators) of an output exceeding 750 kVA
85021100	Electric generating sets with compression-ignition internal-combustion piston engines, of an output not exceeding 75 kVA
85021200	Electric generating sets with compression-ignition internal-combustion piston engines, of an output exceeding 75 kVA but not over 375 kVA
85021300	Electric generating sets with compression-ignition internal-combustion piston engines, of an output exceeding 375 kVA
85023100	Wind-powered electric generating sets
85023900	Electric generating sets, nesoi
85024000	Electric rotary converters
85030020	Commutators suitable for use solely or principally with the machines of heading 8501 or 8502
85030035	Parts of electric motors under 18.65 W, stators and rotors
85030045	Stators and rotors for electric generators for use on aircraft
85030065	Stators and rotors for electric motors & generators of heading 8501, nesi
85030075	Parts of electric motors under 18.65 W, other than commutators, stators or rotors
85030090	Parts for electric generators suitable for use on aircraft

HTS subheading	Product Description
85042100	Liquid dielectric transformers having a power handling capacity not exceeding 650 kVA
85042200	Liquid dielectric transformers having a power handling capacity exceeding 650 kVA but not exceeding 10,000 kVA
85042300	Liquid dielectric transformers having a power handling capacity exceeding 10,000 kVA
85043200	Electrical transformers other than liquid dielectric, having a power handling capacity exceeding 1 kVA but not exceeding 16 kVA
85043300	Electrical transformers other than liquid dielectric, having a power handling capacity exceeding 16 kVA but not exceeding 500 kVA
85043400	Electrical transformers other than liquid dielectric, having a power handling capacity exceeding 500 kVA
85044040	Electrical speed drive controllers for electric motors (static converters)
85049041	Parts of power supplies (other than printed circuit assemblies) for automatic data processing machines or units thereof of heading 8471
85049065	Printed circuit assemblies of the goods of subheading 8504.40 or 8504.50 for telecommunication apparatus
85049075	Printed circuit assemblies of electrical transformers, static converters and inductors, nesoi
85049096	Parts (other than printed circuit assemblies) of electrical transformers, static converters and inductors
85051910	Flexible permanent magnets, other than of metal
85052000	Electromagnetic couplings, clutches and brakes
85059030	Electromagnetic lifting heads
85059040	Electromagnetic or permanent magnet work holders and parts thereof
85059070	Electromagnets used for MRI
85059075	Other electromagnets and parts thereof, and parts of related electromagnetic articles nesi
85064010	Silver oxide primary cells and primary batteries having an external volume not exceeding 300 cubic cm
85064050	Silver oxide primary cells and primary batteries having an external volume exceeding 300 cubic cm
85065000	Lithium primary cells and primary batteries
85066000	Air-zinc primary cells and primary batteries
85069000	Parts of primary cells and primary batteries
85073080	Nickel-cadmium storage batteries, other than of a kind used as the primary source of power for electric vehicles
85079040	Parts of lead-acid storage batteries, including separators therefor
85079080	Parts of storage batteries, including separators therefor, other than parts of lead-acid storage batteries
85141000	Resistance heated industrial or laboratory furnaces and ovens
85142060	Industrial or laboratory microwave ovens, nesoi
85142080	Industrial or laboratory furnaces and ovens (other than microwave) functioning by induction or dielectric loss
85143010	Industrial furnaces and ovens for making printed circuits or printed circuit assemblies
85143090	Industrial or laboratory electric industrial or laboratory furnaces and ovens nesi

HTS subheading	Product Description
85144000	Industrial or laboratory induction or dielectric heating equipment nesi
85149080	Parts of industrial or laboratory electric furnaces and ovens and other industrial or laboratory induction or dielectric heating equipment
85151100	Electric soldering irons and guns
85151900	Electric brazing or soldering machines and apparatus, other than soldering irons and guns
85152100	Electric machines and apparatus for resistance welding of metal, fully or partly automatic
85152900	Electric machines and apparatus for resistance welding of metal, other than fully or partly automatic
85153100	Electric machines and apparatus for arc (including plasma arc) welding of metals, fully or partly automatic
85153900	Electric machines and apparatus for arc (including plasma arc) welding of metals, other than fully or partly automatic
85158000	Electric welding apparatus nesi,and electric machines and apparatus for hot spraying metals or sintered metal carbides
85159020	Parts of electric welding machines and apparatus
85159040	Parts of electric soldering or brazing machines & apparatus, & electric apparatus for hot spraying of metals or sintered metal carbides
85192000	Sound recording or reproducing apparatus operated by coins, bank notes, bank cards, tokens or other means of payment
85198110	Transcribing machines
85198125	Cassette players (non-recording), nesoi
85232910	Unrecorded magnetic media
85232920	Pre-recorded magnetic tapes for reproducing phenomena other than sound or image
85232930	Pre-recorded magnetic tapes, of a width not exceeding 4 mm, of news sound recording relating to current events
85232940	Pre-recorded magnetic tapes, of a width not exceeding 4 mm, nesoi
85232950	Pre-recorded magnetic video tape recordings of a width exceeding 4 mm but not exceeding 6.5 mm
85232960	Pre-recorded magnetic tapes of a width exceeding 4 mm but not exceeding 6.5 mm, nesoi
85232970	Pre-recorded magnetic video tape recordings of a width exceeding 6.5 mm
85232980	Pre-recorded magnetic tapes of a width exceeding 6.5 mm, nesoi
85232990	Pre-recorded magnetic media other than tape, nesoi
85234100	Unrecorded optical media
85234920	Recorded optical media, for reproducing phenomena other than sound or image
85234930	Recorded optical media, for reproducing sound only
85234950	Recorded optical media, nesoi
85238010	Phonograph records
85238020	Discs, tapes, solid-state non-volatile storage devices, "smart cards" and other media for the recording of sound or of other phenomena, whet
85255070	Transmission apparatus for radiobroadcasting
85256010	Transceivers

HTS subheading	Product Description
85256020	Transmission apparatus incorporating reception apparatus, other than transceivers
85258010	Television cameras, gyrostabilized
85258020	Television cameras, studio type, other than shoulder-carried or other portable cameras
85261000	Radar apparatus
85269100	Radio navigational aid apparatus, other than radar
85269250	Radio remote control apparatus other than for video game consoles
85279915	Radio receivers, NESOI
85279940	Reception apparatus for radiobroadcasting, NESOI
85284905	Incomplete or unfinished color video monitors, presented w/o a display device, incorp. VCR or player
85284910	Incomplete or unfinished color video monitors, presented w/o a display device, not incorp. VCR or player
85284925	Non-high definition color video monitors, nonprojection type, w/CRT, video display diagonal not over 34.29 cm, not incorp. VCR or player
85284930	Non-high definition color video monitors, nonprojection, w/CRT, video display diag. ov 34.29 cm but n/ov 35.56 cm, not incorp. VCR or player
85284940	Non-high definition color video monitors, nonprojection type, w/CRT, video display diagonal over 35.56 cm, not incorporating VCR or player
85284950	Non-high definition color video monitors, projection type, with cathode-ray tube, not incorporating VCR or player
85284965	High definition color video monitors, nonprojection type, with cathode-ray tube, not incorporating VCR or player
85284970	High definition color video monitors, projection type, with cathode-ray tube, incorporating VCR or player
85284975	High definition color video monitors, projection type, with cathode-ray tube, not incorporating VCR or player
85285923	Color video monitors w/flat panel screen, video display diagonal > 34.29 cm, incorporating VCR or player, not subject US note 13
85285925	Color video monitors w/flat panel screen, video display diagonal n/ov 34.29 cm, not incorporate VCR or player
85285933	Color video monitors w/flat panel screen, video display diagonal > 34.29 cm, not with VCR/player, not subj US note 13
85285945	Color video monitors nesoi, with video display diagonal not over 34.29 cm, not incorporating VCR or player
85285960	Black and white or other monochrome video monitors, other
85286915	Non-high definition color video projectors, with a cathode-ray tube, incorporating VCR or player
85286925	High definition color video projectors, with a cathode-ray tube, incorporating VCR or player
85286940	Color video projectors w/flat panel screen, video display diagonal over 34.29 cm, incorporating VCR or player
85286955	Color video projectors nesoi, incorporating video recording or reproducing apparatus
85286960	Color video projectors nesoi, not incorporating a video recording or reproducing apparatus

HTS subheading	Product Description
85286970	Black and white or other monochrome video projectors
85287110	Reception apparatus for television, not designed to incorporate a video display or screen, incorporating video recording or reproducing appa
85287130	TV reception printed circuit assemblies incorporating a tuner, of a kind used with ADP machines of heading 8471, nesoi
85287208	Incomplete or unfinished color tv reception apparatus, presented w/o a display device, n/incorp. VCR or player
85287216	Non-high def. color television reception app., nonprojection, w/CRT, display diag. ov 34.29 cm but n/ov 35.56 cm, incorp. VCR or player
85287232	Non-high definition color television reception apparatus, nonprojection, w/CRT, video display diag. ov 35.56 cm, not incorp. a VCR or player
85287248	High definition color television reception apparatus, nonprojection, with cathode-ray tube, not incorporating a VCR or player
85287252	High definition color television reception apparatus, projection type, with cathode-ray tube, incorporating a VCR or player
85287256	High definition color television reception apparatus, projection type, with cathode-ray tube, not incorporating a VCR or player
85287262	Color television reception apparatus w/flat panel screen, video display diagonal n/ov 34.29 cm, incorporating a VCR or player
85287264	Color television reception apparatus w/flat panel screen, video display diagonal over 34.29 cm, incorporating a VCR or player
85287280	Color television reception apparatus nesoi, video display diagonal over 34.29 cm, incorporating a VCR or player
85287297	Color television reception apparatus nesoi, video display diagonal over 34.29 cm, not incorporating a VCR or player, nesoi
85291040	Radar, radio navigational aid and radio remote control antennas and antenna reflectors, and parts suitable for use therewith
85299005	PCBs and ceramic substrates and subassemblies thereof, for color TV, with components listed in add. US note 4, chap. 85
85299006	PCBs and ceramic substrates and subassemblies thereof, for color TV, not with components listed in add. US note 4, chap. 85
85299009	Printed circuit assemblies for television cameras
85299016	Printed circuit assemblies which are subassemblies of radar, radio nav. aid or remote control apparatus, of 2 or more parts joined together
85299019	Printed circuit assemblies, nesi, for radar, radio navigational aid or radio remote control apparatus
85299022	Other printed circuit assemblies suitable for use solely or principally with the apparatus of headings 8525 to 8528, nesi
85299024	Transceiver assemblies for the apparatus of subheading 8526.10, other than printed circuit assemblies
85299029	Tuners for television apparatus, other than printed circuit assemblies
85299033	Subassies w/2 or more PCBs or ceramic substrates, as spec'd in add. US note 9 ch. 85, for color TV, w/components in add. US note 4, ch. 85
85299046	Combinations of PCBs and ceramic substrates and subassemblies thereof for color TV, w/components listed in add. U.S. note 4, chap. 85

HTS subheading	Product Description
85299063	Parts of printed circuit assemblies (including face plates and lock latches) for television cameras
85299068	Parts of printed circuit assemblies (including face plates and lock latches) for television apparatus other than television cameras
85299073	Parts of printed circuit assemblies (including face plates and lock latches) for radar, radio navigational aid or radio remote control app.
85299078	Mounted lenses for use in closed circuit television cameras, separately imported, w/ or w/o attached elec. connectors or motors
85299081	Other parts of television cameras, nesi
85299083	Other parts of television apparatus (other than television cameras), nesi
85299089	Subassies w/2 or more PCBs or ceramic substrates, exc. tuners or converg. ass'ies, for color TV, not w/components in add. US note 4, ch. 85
85299093	Parts of television apparatus, nesi
85299095	Assemblies and subassemblies of radar, radio navigational aid or remote control apparatus, of 2 or more parts joined together, nesi
85299097	Parts suitable for use solely or principally in radar, radio navigational aid or radio remote control apparatus, nesi
85299099	Parts suitable for use solely or principally with the apparatus of headings 8525 to 8528, nesi
85301000	Electrical signaling, safety or traffic control equipment for railways, streetcar lines or subways
85308000	Electrical signaling, safety or traffic control equipment for roads, inland waterways, parking facilities, port installations or airfields
85309000	Parts for electrical signaling, safety or traffic control equipment
85321000	Fixed electrical capacitors designed for use in 50/60 Hz circuits and having a reactive power handling capacity of not less than 0.5 kvar
85322100	Tantalum fixed capacitors
85322200	Aluminum electrolytic fixed capacitors
85322300	Ceramic dielectric fixed capacitors, single layer
85322400	Ceramic dielectric fixed capacitors, multilayer
85322500	Dielectric fixed capacitors of paper or plastics
85322900	Fixed electrical capacitors, nesi
85323000	Variable or adjustable (pre-set) electrical capacitors
85329000	Parts of electrical capacitors, fixed, variable or adjustable (pre-set)
85331000	Electrical fixed carbon resistors, composition or film types
85332100	Electrical fixed resistors, other than composition or film type carbon resistors, for a power handling capacity not exceeding 20 W
85332900	Electrical fixed resistors, other than composition or film type carbon resistors, for a power handling capacity exceeding 20 W
85333100	Electrical wirewound variable resistors, including rheostats and potentiometers, for a power handling capacity not exceeding 20 W
85334040	Metal oxide resistors
85334080	Electrical variable resistors, other than wirewound, including rheostats and potentiometers
85339080	Other parts of electrical resistors, including rheostats and potentiometers, nesi

HTS subheading	Product Description
85351000	Fuses, for a voltage exceeding 1,000 V
85352100	Automatic circuit breakers, for a voltage of less than 72.5 kV, but exceeding 1,000 V
85352900	Automatic circuit breakers, for a voltage of 72.5 kV or more
85353000	Isolating switches and make-and-break switches, for a voltage exceeding 1,000 V
85359040	Electrical motor starters and electrical motor overload protector, for a voltage exceeding 1,000 V
85359080	Electrical apparatus nesi for switching, protecting, or making connections for electrical circuits, for a voltage exceeding 1,000 V, nesi
85361000	Fuses, for a voltage not exceeding 1,000 V
85362000	Automatic circuit breakers, for a voltage not exceeding 1,000 V
85363040	Electrical motor overload protectors, for a voltage not exceeding 1,000 V, nesi
85364100	Relays for switching, protecting or making connections to or in electrical circuits, for a voltage not exceeding 60 V
85364900	Relays for switching, protecting or making connections to or in electrical circuits, for a voltage exceeding 60 but not exceeding 1,000 V
85365040	Electrical motor starters (which are switches), for a voltage not exceeding 1,000 V
85365090	Switches nesoi, for switching or making connections to or in electrical circuits, for a voltage not exceeding 1,000 V
85366940	Connectors: coaxial, cylindrical multicontact, rack and panel, printed circuit, ribbon or flat cable, for a voltage not exceeding 1,000 V
85369040	Electrical terminals, electrical splicers and electrical couplings, wafer probers, for a voltage not exceeding 1,000 V
85369060	Battery clamps used in motor vehicles of headings 8702, 8703, 8704, or 8711
85369085	Other electrical apparatus nesi, for switching or making connections to or in electrical circuits, for a voltage not exceeding 1,000 V, nesoi
85371060	Boards, panels, etc., equipped with apparatus for electric control, for a voltage not exceeding 1,000, motor control centers
85371080	Touch screens without display capabilities for incorporation in apparatus having a display
85372000	Boards, panels, consoles, desks, cabinets and other bases, equipped with apparatus for electric control, for a voltage exceeding 1,000 V
85381000	Parts of boards, panels, consoles, desks, cabinets and other bases for the goods of heading 8537, not equipped with their apparatus
85389040	Parts for articles of 8535.90.40, 8536.30.40 or 8536.50.40, of ceramic or metallic materials, mech. or elec. reactive to changes in temp.
85389060	Molded parts nesi, suitable for use solely or principally with the apparatus of heading 8535, 8536 or 8537
85389081	Other parts nesi, suitable for use solely or principally with the apparatus of heading 8535, 8536 or 8537
85392920	Electrical filament lamps, voltage not exceeding 100 V, having glass envelopes n/o 6.35 mm in diameter, suitable in surgical instruments
85392930	Electrical filament lamps nesi, designed for a voltage not exceeding 100 V, excluding ultraviolet and infrared lamps
85394100	Arc lamps
85399000	Parts of electrical filament or discharge lamps

HTS subheading	Product Description
85407910	Klystron tubes
85407920	Microwave tubes (other than magnetrons or klystrons) excluding grid-controlled tubes
85408900	Thermionic, cold cathode or photocathode tubes, nesi
85412100	Transistors, other than photosensitive transistors, with a dissipation rating of less than 1 W
85412900	Transistors, other than photosensitive transistors, with a dissipation rating of 1 W or more
85413000	Thyristors, diacs and triacs, other than photosensitive devices
85414020	Light-emitting diodes (LED's)
85414070	Photosensitive transistors
85414080	Photosensitive semiconductor devices nesi, optical coupled isolators
85414095	Photosensitive semiconductor devices nesi, other
85415000	Semiconductor devices other than photosensitive semiconductor devices, nesi
85416000	Mounted piezoelectric crystals
85419000	Parts of diodes, transistors, similar semiconductor devices, photosensitive semiconductor devices, LED's and mounted piezoelectric crystals
85431000	Electrical particle accelerators
85432000	Electrical signal generators
85433020	Electrical machines and apparatus for electroplating, electrolysis, or electrophoresis for making printed circuits
85433090	Other electrical machines and apparatus for electroplating, electrolysis, or electrophoresis
85437020	Physical vapor deposition apparatus, nesoi
85437042	Flight data recorders
85437060	Electrical machines and apparatus nesoi, designed for connection to telegraphic or telephonic apparatus, instruments or networks
85437080	Microwave amplifiers
85437095	Touch screens without display capabilities for incorporation in apparatus having a display
85437097	Plasma cleaner machines that remove organic contaminants from electron microscopy specimens and holders
85439012	Parts of physical vapor deposition apparatus of subheading 8543.70
85439015	Assemblies and subassemblies for flight data recorders, consisting of 2 or more parts pieces fastened together, printed circuit assemblies
85439035	Assemblies and subassemblies for flight data recorders, consisting of 2 or more parts pieces fastened together, not printed circuit assys.
85439065	Printed circuit assemblies of flat panel displays other than for reception apparatus for television of heading 8528
85439068	Printed circuit assemblies of electrical machines and apparatus, having individual functions, nesoi
85441100	Insulated (including enameled or anodized) winding wire, of copper
85441900	Insulated (including enameled or anodized) winding wire, other than of copper
85443000	Insulated ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships

HTS subheading	Product Description
85444930	Insulated electric conductors nesi, of copper, for a voltage not exceeding 1,000 V, not fitted with connectors
85444990	Insulated electric conductors nesi, not of copper, for a voltage not exceeding 1,000 V, not fitted with connectors
85446020	Insulated electric conductors nesi, for a voltage exceeding 1,000 V, fitted with connectors
85446040	Insulated electric conductors nesi, of copper, for a voltage exceeding 1,000 V, not fitted with connectors
85447000	Optical fiber cables made up of individually sheathed fibers
86011000	Rail locomotives powered from an external source of electricity
86031000	Self-propelled railway or tramway coaches, vans and trucks (o/than those of 8604), powered from an external source of electricity
86039000	Self-propelled railway or tramway coaches, vans and trucks (o/than those of 8604), o/than powered from an external source of electricity
86040000	Railway or tramway maintenance or service vehicles, whether or not self-propelled
86071200	Parts of railway/tramway locomotives/rolling stock, truck assemblies for other than self-propelled vehicles
86071906	Parts of railway/tramway locomotives/rolling stock, parts of axles
86071912	Parts of railway/tramway locomotives/rolling stock, wheels, whether or not fitted with axles
86071915	Parts of railway/tramway locomotives/rolling stock, parts of wheels
86071990	Parts of railway/tramway locomotives/rolling stock, parts of truck assemblies for self-propelled vehicles or for non-self propelled nesoi
86072110	Parts of railway/tramway locomotives/rolling stock, air brakes & parts thereof for non-self-propelled passenger coaches or freight cars
86072150	Parts of railway/tramway locomotives/rolling stock, air brakes & parts thereof for self-propelled vehicles or non-self-propelled stock nesoi
86072910	Parts of railway/tramway locomotives/rolling stock, pts of brakes (o/than air brakes) for non-self-propelled passenger coaches or freight
86072950	Parts of railway/tramway locomotives/rolling stock, pts of brakes (o/th air brakes) for self-propelled vehicles or non-self-propelled nesoi
86079100	Parts, nesoi, of railway/tramway locomotives
86079910	Parts (o/than brake regulators) nesoi, of railway/tramway, non-self-propelled passenger coaches or freight cars
86079950	Parts, nesoi, of railway or tramway rolling stock, nesoi
86080000	Railway or tramway track fixtures and fittings; mechanical signaling, safety or traffic control equipment of all kinds nesoi; parts thereof
87011001	Single axle tractors, other than tractors of 8709
87013010	Track-laying tractors, suitable for agricultural use
87021031	Motor vehicles w/diesel engine, to transport 16 or more persons, incl driver
87021061	Motor vehicles w/diesel engine, to transport 10 to 15 persons, incl driver
87022031	Motor vehicles w/diesel engine & electric motor, to transport 16 or more persons, incl driver
87022061	Motor vehicles w/diesel engine & electric motor, to transport 10 to 15 persons, incl driver

HTS subheading	Product Description
87023031	Motor vehicles w/spark-ign. IC recip. piston engine & electric motor, to transport 16 or more persons, incl driver
87023061	Motor vehicles w/spark-ign. IC recip. piston engine & electric motor, to transport 10 to 15 persons, incl driver
87024031	Motor vehicles w/electric motor, to transport 16 or more persons, incl driver
87024061	Motor vehicles w/electric motor, to transport 10 to 15 persons, incl driver
87029031	Motor vehicles nesoi, to transport 16 or more persons, incl driver
87029061	Motor vehicles nesoi, to transport 10 to 15 persons, incl driver
87031010	Motor vehicles specially designed for traveling on snow
87031050	Golf carts and similar motor vehicles
87032101	Motor vehicles to transport persons, w/spark-ign. IC recip. piston engine, w/cyl capacity <= 1, 000 cc
87032201	Motor vehicles to transport persons, w/spark-ign. IC recip. piston engine, w/cyl capacity > 1, 000cc but <=1, 500cc
87032301	Motor vehicles to transport persons, w/spark-ign. IC recip. piston engine, w/cyl capacity >1, 500cc but <=3, 000cc
87032401	Motor vehicles to transport persons, w/spark-ign. IC recip. piston engine, w/cyl capacity >3, 000cc
87033101	Motor vehicles to transport persons, w/diesel engines, of a cylinder capacity <= 1, 500cc
87033201	Motor vehicles to transport persons, w/diesel engines, of a cylinder capacity > 1, 500cc but <= 2, 500cc
87033301	Motor vehicles to transport persons, w/diesel engines, of a cylinder capacity > 2, 500cc
87034000	Motor vehicles to transport persons, w/spark-ign. IC recip. piston engine & elec motor incapable of charge by plug to external source
87035000	Motor vehicles to transport persons, w/diesel engine & elec motor incapable of charge by plug to external source
87036000	Motor vehicles to transport persons, w/spark-ign. IC recip. piston engine & elec motor capable of charge by plug to external source
87037000	Motor vehicles to transport persons, w/diesel engine & elec motor capable of charge by plug to external source
87038000	Motor vehicles to transport persons, w/electric motor for propulsion
87039001	Motor vehicles to transport persons, nesoi
87041010	Mtr. vehicles for transport of goods, cab chassis for dumpers designed for off-highway use
87041050	Mtr. vehicles for transport of goods, complete dumpers designed for off-highway use
87042100	Mtr. vehicles for transport of goods, w/compress.-ign. int. combust. recip. piston engine, w/G.V.W. not over 5 metric tons
87042210	Mtr. vehicles for transport of goods, cab chassis, w/compress.-ign. int. combust. recip. piston engine, w/G.V.W. o/5 but n/o 20 metric tons
87042250	Mtr. vehicl. for transport of goods (o/than cab chassis), w/compress.-ign. int. combust. recip. piston engine, w/G.V.W. o/5 but n/o 20 mtons
87042300	Mtr. vehicles for transport of goods, w/compress.-ign. int. combust. recip. piston engine, w/G.V.W. over 20 metric tons

HTS subheading	Product Description
87043100	Mtr. vehicles for transport of goods, w/spark.-ign. int. combust. recip. piston engine, w/G.V.W. not over 5 metric tons
87043200	Mtr. vehicles for transport of goods, w/spark.-ign. int. combust. recip. piston engine, w/G.V.W. over 5 metric tons
87053000	Mtr. vehicles (o/than for transport of persons or of goods), fire fighting vehicles
87054000	Mtr. vehicles (o/than for transport of persons or of goods), concrete mixers
87060025	Chassis fitted w/engines, for mtr. vehicles of heading 8705
87060030	Chassis fitted w/engines, for tractors suitable for agricultural use
87091100	Electrical, self-propelled, works trucks, not fitted w/lift. equip. and tractors of type used on railway station platforms
87091900	Non-electrical, self-propelled, works trucks, not fitted w/lift. equip. and tractors of type used on railway station platforms
87099000	Parts of self-propelled works trucks, not fitted w/lift. equip. and tractors of the type used on railway station platforms
87112000	Motorcycles (incl. mopeds) and cycles, fitted w/recip. internal-combustion piston engine w/capacity o/50 but n/o 250 cc
87113000	Motorcycles (incl. mopeds) and cycles, fitted w/recip. internal-combustion piston engine w/capacity o/250 but n/o 500 cc
87114030	Motorcycles (incl. mopeds) and cycles, fitted w/recip. internal-combustion piston engine w/capacity o/500 cc but n/o 700 cc
87114060	Motorcycles (incl. mopeds) and cycles, fitted w/recip. internal-combustion piston engine w/capacity o/700 cc but n/o 800 cc
87115000	Motorcycles (incl. mopeds) and cycles, fitted w/recip. internal-combustion piston engine w/capacity o/800 cc
87141000	Pts. & access. for motorcycles (including mopeds)
88010000	Balloons, dirigibles and non-powered aircraft, gliders and hang gliders
88021100	Helicopters, with an unladen weight not over 2,000 kg
88021200	Helicopters, with an unladen weight over 2,000 kg
88022000	Airplanes and other powered aircraft, nesoi, with an unladen weight not over 2,000 kg
88023000	Airplanes and other powered aircraft, nesoi, with an unladen weight over 2,000 kg but not over 15,000 kg
88024000	Airplanes and other powered aircraft, nesoi, with an unladen weight over 15,000 kg
88026030	Communication satellites
88026090	Spacecraft, including satellites (o/than communication satellites), and suborbital and spacecraft launch vehicles
88031000	Parts of airplanes and other aircraft, propellers and rotors and parts thereof
88032000	Parts of airplanes and other aircraft, undercarriages and parts thereof
88033000	Parts of airplanes and helicopters, nesoi
88039030	Parts of communication satellites
88039090	Parts of aircraft (o/than airplanes and helicopters), spacecraft (o/than comm. satell.) and suborbital and launch vehicles, nesoi
88051000	Aircraft launching gear and parts thereof; deck-arrestors or similar gear and parts thereof
88052100	Air combat ground flying simulators and parts thereof
88052900	Ground flying trainers and parts thereof, other than air combat simulators

HTS subheading	Product Description
89011000	Vessels, designed for the transport of persons, cruise ships, excursion boats and similar vessels; ferry boats of all kinds
89012000	Vessels, designed for the transport of goods, tankers
89019000	Vessels, designed for the transport of goods or for the transport of both persons and goods, nesoi
89020000	Vessels, fishing; factory ships and other vessels for processing or preserving fishery products
89040000	Vessels, tugs and pusher craft
89051000	Vessels, dredgers
89052000	Floating or submersible drilling or production platforms
89059050	Vessels, light-vessels, fire-floats, floating cranes, & other vessels nesoi, the navigability of which is subsidiary to their main function
89069000	Vessels (including lifeboats other than row boats), nesoi
89079000	Floating structures nesoi (for example, rafts, other than inflatable rafts, tanks, cofferdams, landing stages, buoys and beacons)
89080000	Vessels and other floating structures for breaking up (scrapping)
90029020	Prisms, mounted, for optical uses
90029040	Mirrors, mounted, for optical uses
90029070	Half-tone screens, mounted, designed for use in engraving or photographic processes
90029095	Mounted optical elements, nesi; parts and accessories of mounted optical elements, nesi
90079140	Parts for cinematographic cameras
90079180	Accessories for cinematographic cameras
90111040	Stereoscopic microscopes, provided with a means for photographing the image
90111080	Stereoscopic microscopes, other than those provided with a means for photographing the image
90112040	Microscopes for microphotography, microcinematography or microprojection, provided with a means for photographing the image
90119000	Parts and accessories for compound optical microscopes, including those for microphotography, microcinematography or microprojection
90121000	Microscopes other than optical microscopes; diffraction apparatus
90129000	Parts and accessories for microscopes other than optical microscopes, and for diffraction apparatus
90131010	Telescopic sights for rifles not designed for use with infrared light
90131045	Telescopes as parts of machines, appliances, etc. of chapter 90 or section XVI
90131050	Other telescopic sights for arms other than rifles; periscopes
90132000	Lasers, other than laser diodes
90138070	Liquid crystal and other optical flat panel displays other than for articles of heading 8528, nesoi
90141060	Gyroscopic directing finding compasses, other than electrical
90141070	Electrical direction finding compasses
90142020	Optical instruments and appliances (other than compasses) for aeronautical or space navigation
90142040	Automatic pilots for aeronautical or space navigation

HTS subheading	Product Description
90142060	Electrical instruments and appliances (other than compasses) for aeronautical or space navigation
90142080	Nonelectrical instruments and appliances (other than compasses) for aeronautical or space navigation
90148010	Optical navigational instruments, nesi
90148020	Ships' logs and depth-sounding apparatus
90148040	Electrical navigational instruments and appliances, nesi
90148050	Nonelectrical navigational instruments and appliances, nesi
90149010	Parts and accessories of automatic pilots for aeronautical or space navigation of subheading 9014.20.40
90149020	Parts and accessories of nonelectrical instruments and appliances for aeronautical or space navigation of subheading 9014.20.80
90149040	Parts and accessories of nonelectrical navigational instruments and appliances nesi of subheading 9014.80.50
90149060	Parts and accessories of navigational instruments and appliances, nesi
90151080	Rangefinders, other than electrical
90152040	Electrical theodolites and tachymeters
90152080	Theodolites and tachymeters, other than electrical
90154040	Electrical photogrammetrical surveying instruments and appliances
90154080	Photogrammetrical surveying instruments and appliances, other than electrical
90158020	Optical surveying, hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, nesi
90158060	Seismographs
90158080	Surveying, hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, nesi, nonoptical
90181130	Electrocardiographs
90181160	Printed circuit assemblies for electrocardiographs
90181190	Parts and accessories of electrocardiographs, other than printed circuit assemblies
90181200	Ultrasonic scanning electro-diagnostic apparatus used in medical, surgical, dental or veterinary sciences
90181300	Magnetic resonance imaging electro-diagnostic apparatus used in medical, surgical, dental or veterinary sciences
90181400	Scintigraphic electro-diagnostic apparatus used in medical, surgical, dental or veterinary sciences
90181940	Electro-diagnostic apparatus for functional exploratory examination, and parts and accessories thereof
90181955	Electro-diagnostic patient monitoring systems
90181975	Printed circuit assemblies for electro-diagnostic parameter acquisition modules
90181995	Electro-diagnostic apparatus nesi, and parts and accessories thereof nesi
90182000	Ultraviolet or infrared ray apparatus used in medical, surgical, dental or veterinary sciences, and parts and accessories thereof
90183100	Syringes, with or without their needles; parts and accessories thereof
90183200	Tubular metal needles and needles for sutures, used in medical, surgical, dental or veterinary sciences, and parts and accessories thereof

HTS subheading	Product Description
90183900	Catheters, cannulae and the like nesi, used in medical, surgical, dental or veterinary sciences, and parts and accessories thereof
90184100	Dental drill engines, whether or not combined on a single base with other dental equipment, and parts and accessories thereof
90184940	Dental burs
90184980	Instruments and apparatus used in dental sciences, nesi, and parts and accessories thereof
90185000	Ophthalmic instruments and appliances nesi, and parts and accessories thereof
90189010	Mirrors and reflectors used in medical, surgical, dental or veterinary sciences, and parts and accessories thereof
90189020	Optical instruments and appliances nesi, used in medical, surgical, dental or veterinary sciences, and parts and accessories thereof
90189030	Anesthetic instruments and appliances nesi, used in medical, surgical, dental or veterinary sciences, and parts and accessories thereof
90189060	Electro-surgical instruments and appliances nesi, other than extracorporeal shock wave lithotripters and parts and accessories thereof
90189064	Defibrillators
90189068	Printed circuit assemblies for defibrillators
90189075	Electro-medical instruments and appliances nesi, and parts and accessories thereof
90189080	Instruments and appliances used in medical, surgical, dental or veterinary sciences, nesi, and parts and accessories thereof
90191060	Psychological aptitude testing apparatus, other than electrical, and parts and accessories thereof
90192000	Ozone, oxygen and aerosol therapy, artificial respiration or other therapeutic respiration apparatus, and parts and accessories thereof
90211000	Orthopedic or fracture appliances, and parts and accessories thereof
90212140	Artificial teeth and parts and accessories thereof, of plastics
90212940	Dental fittings and parts and accessories thereof, of plastics
90212980	Dental fittings and parts and accessories thereof, other than of plastics
90213100	Artificial joints and parts and accessories thereof
90213900	Artificial parts of the body (other than artificial joints) and parts and accessories thereof, nesoi
90214000	Hearing aids, excluding parts and accessories thereof
90215000	Pacemakers for stimulating heart muscles, excluding parts and accessories thereof
90221200	Computed tomography apparatus based on the use of X-rays
90221300	Apparatus based on the use of X-rays for dental uses (other than computed tomography apparatus)
90221400	Apparatus based on the use of X-rays for medical, surgical or veterinary uses (other than computed tomography apparatus)
90221900	Apparatus based on the use of X-rays other than for medical, surgical, dental or veterinary use
90222100	Apparatus based on the use of alpha, beta or gamma radiations, for medical, surgical, dental or veterinary use
90222980	Apparatus based on the use of alpha, beta or gamma radiations, other than for medical, surgical, dental or veterinary use, nesi

HTS subheading	Product Description
90223000	X-ray tubes
90229005	Radiation generator units
90229015	Radiation beam delivery units
90229025	X-ray generators, high tension generators, desks, screens, examination or treatment tables, chairs and similar apparatus, nesi
90229040	Parts and accessories of X-ray tubes
90229060	Parts and accessories of apparatus based on the use of X-rays
90229095	Parts and accessories of apparatus based on the use of alpha, beta or gamma radiations
90241000	Machines and appliances for testing the mechanical properties of metals
90248000	Machines and appliances for testing the mechanical properties of materials other than metals
90249000	Parts and accessories of machines and appliances for testing the hardness, strength, compressibility, or other properties of materials
90251120	Clinical thermometers, liquid-filled, for direct reading, not combined with other instruments
90258015	Nonelectrical barometers, not combined with other instruments
90258035	Hygrometers and psychrometers, non-electrical, non-recording
90258040	Thermographs, barographs, hygrographs and other recording instruments, other than electrical
90258050	Combinations of thermometers, barometers and similar temperature and atmosphere measuring and recording instruments, nonelectrical
90261020	Electrical instruments and apparatus for measuring or checking the flow or level of liquids
90261040	Flow meters, other than electrical, for measuring or checking the flow of liquids
90261060	Instruments and apparatus for measuring or checking the level of liquids, other than flow meters, non-electrical
90262040	Electrical instruments and apparatus for measuring or checking the pressure of liquids or gases
90262080	Instruments and apparatus, other than electrical, for measuring or checking the pressure of liquids or gases
90268020	Electrical instruments and apparatus for measuring or checking variables of liquids or gases, nesi
90268060	Nonelectrical instruments and apparatus for measuring or checking variables of liquids or gases, nesi
90269020	Parts and accessories of electrical instruments and apparatus for measuring or checking variables of liquids or gases
90269040	Parts and accessories of nonelectrical flow meters, heat meters incorporating liquid supply meters and anemometers
90269060	Parts and accessories of nonelectrical instruments and apparatus for measuring or checking variables of liquids or gases, nesi
90272050	Electrical chromatographs and electrical electrophoresis instruments
90272080	Nonelectrical chromatographs
90273040	Electrical spectrometers, spectrophotometers and spectrographs using optical radiations (ultraviolet, visible, infrared)

HTS subheading	Product Description
90273080	Nonelectrical spectrometers, spectrophotometers and spectrographs using optical radiations (ultraviolet, visible, infrared)
90275010	Exposure meters
90275040	Electrical instruments and apparatus using optical radiations (ultraviolet, visible, infrared), nesi
90275080	Nonelectrical instruments and apparatus using optical radiations (ultraviolet, visible, infrared), nesi
90278025	Nuclear magnetic resonance instruments
90278045	Electrical instruments and apparatus for physical or chemical analysis, measuring viscosity, checking heat, sound, light, etc., nesi
90278080	Nonelectrical instruments and apparatus for physical or chemical analysis, measuring viscosity, checking heat, sound or light, nesi
90279045	Printed circuit assemblies for instruments and apparatus of subheading 9027.80
90279054	Parts and accessories of electrophoresis instruments not incorporating an optical or other measuring device
90279056	Parts and accessories of electrical instruments and apparatus of subheading 9027.20, 9027.30, 9027.50 or 9027.80
90279059	Other parts and accessories of other electrical instruments and apparatus of heading 9027, nesoi
90279064	Parts and accessories of nonelectrical optical instruments and apparatus of subheading 9027.20, 9027.30, 9027.40, 9027.50 or 9027.80
90279084	Parts and accessories of nonelectrical nonoptical instruments and apparatus of heading 9027.20, 9027.30, 9027.40, 9027.50 or 9027.80
90279088	Parts and accessories of nonelectrical instruments and apparatus of heading 9027, nesoi
90289000	Parts and accessories for gas, liquid or electricity supply or production meters
90299060	Parts and accessories of stroboscopes
90301000	Instruments and apparatus for measuring or detecting ionizing radiations
90302005	Oscilloscopes and oscillographs, specially designed for telecommunications
90303334	Resistance measuring instruments
90303338	Other instruments and apparatus, nesi, for measuring or checking electrical voltage, current, resistance or power, without a recording device
90303901	Instruments and apparatus, nesi, for measuring or checking electrical voltage, current, resistance or power, with a recording device
90304000	Instruments and apparatus specially designed for telecommunications
90308200	Instruments and apparatus for measuring or checking electrical quantities, nesoi: for measuring or checking semiconductor wafers or devices
90309025	Printed circuit assemblies for instruments and apparatus for measuring or detecting ionizing radiation
90309046	Parts and accessories for instruments and apparatus for measuring or detecting ionizing radiation, nesi
90309066	Printed circuit assemblies for subheadings and apparatus of 9030.40 & 9030.82
90309068	Printed circuit assemblies, NESOI
90309084	Parts and accessories for instruments and apparatus for measuring or checking semiconductor wafers or devices, nesoi

HTS subheading	Product Description
90309089	Parts and accessories for articles of subheadings 9030.20 to 9030.40, 9030.83 and 9030.89, nesoi
90311000	Machines for balancing mechanical parts
90312000	Test benches
90314100	Optical measuring/checking instruments/appliances for inspecting semiconductor wafers/devices or photomasks/reticle used to mfg such devices
90314910	Profile projectors
90314940	Optical coordinate-measuring machines, nesoi
90314970	Optical instrument & appliance: to inspect masks (not photomask) used to mfg semiconductor devices; to measure contamination on such devices
90314990	Other optical measuring or checking instruments, appliances and machines, nesoi
90318040	Electron beam microscopes fitted with equipment specifically designed for the handling and transport of semiconductor devices or reticles
90318080	Measuring and checking instruments, appliances and machines, nesoi
90319021	Parts and accessories of profile projectors
90319054	Parts & accessories of measuring & checking optical instruments & appliances of subheading 9031.41 or 9031.49.70
90319059	Parts & accessories of measuring & checking optical instruments & appliances, other than test benches or profile projectors, nesoi
90319070	Parts and accessories of articles of subheading 9031.80.40
90319091	Parts and accessories of measuring or checking instruments, appliances and machines, nesoi
90321000	Automatic thermostats
90322000	Automatic manostats
90328100	Hydraulic and pneumatic automatic regulating or controlling instruments and apparatus
90328920	Automatic voltage and voltage-current regulators, designed for use in a 6, 12, or 24 V system
90328940	Automatic voltage and voltage-current regulators, not designed for use in a 6, 12, or 24 V system
90328960	Automatic regulating or controlling instruments and apparatus, nesi
90329021	Parts and accessories of automatic voltage and voltage-current regulators designed for use in a 6, 12, or 24 V system, nesi
90329041	Parts and accessories of automatic voltage and voltage-current regulators, not designed for use in a 6, 12, or 24 V system, nesi
90329061	Parts and accessories for automatic regulating or controlling instruments and apparatus, nesi
90330020	LEDs for backlighting of LCDs
90330030	Touch screens without display capabilities for incorporation in apparatus having a display
90330090	Other parts and accessories for machines, appliances, instruments or apparatus of chapter 90, nesi
91040060	Instrument panel clocks for vehicles, air/spacecraft or vessels, w/clock or watch movement < 50 mm wide, nonelectric
93011000	Artillery weapons (for example, guns, howitzers, and mortars)

HTS subheading	Product Description
93012000	Rocket launchers; flame-throwers; grenade launchers; torpedo tubes and similar projectors
93019030	Rifles, military
93019060	Shotguns, military
93019090	Military weapons, nesoi
93040040	Pistols & other guns (o/than rifles) that eject missiles by release of comp. air or gas, a spring mechanism or rubber held under tension
93051020	Parts and accessories nesoi, for revolvers or pistols of heading 9302
93051040	Parts and accessories nesoi, for revolvers or pistols designed to fire only blank cartridges or blank ammunition
93051060	Parts and accessories nesoi, for muzzle-loading revolvers and pistols
93051080	Parts and accessories nesoi, for revolvers or pistols nesoi
93059940	Parts and accessories for articles of heading 9303 other than shotguns or rifles
93059960	Parts and accessories for articles of headings 9301 to 9304, nesoi
93063041	Cartridges nesoi and empty cartridge shells
93063080	Parts of cartridges nesoi
93069000	Bombs, grenades, torpedoes, mines, missiles and similar munitions of war and pts thereof; other ammunition projectiles & pts. thereof
94011040	Seats, of a kind used for aircraft, leather upholstered
94011080	Seats, of a kind used for aircraft (o/than leather upholstered)
94019010	Parts of seats nesoi, for seats of a kind used for motor vehicles
94019015	Parts of seats nesoi, for bent-wood seats
94019025	Parts of seats (o/than of 9402) nesoi, of cane, osier, bamboo or similar materials

[FR Doc. 2018–07119 Filed 4–5–18; 8:45 am]
BILLING CODE 3290–F8–C

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of 7 individuals that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel. 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On April 2, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. AHMAD, Fayyaz (a.k.a. FIAZ, Muhammad; a.k.a. ''BAHA'I, Fayad''; a.k.a. ''FAIZ, Shaikh''; a.k.a. ''FAYAZ, Sheikh''; a.k.a. ''FIYAZ, Sheikh''; a.k.a. ''FIYYAZ, Sheikh''), Sheikhupura, Pakistan; DOB 05 Dec 1973; POB Sheikhupura, Pakistan; Gender Male (individual) [SDGT] (Linked To: LASHKAR E-TAYYIBA). Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for acting for or on behalf of, LASHKAR-E TAYYIBA, an entity determined to be subject to E.O. 13224.

2. DAR, Muhammad Harris (a.k.a. HARIS, Muhammad), Faisalabad, Pakistan; DOB 16 Jan 1986; POB Faisalabad, Pakistan; Gender Male; Identification Number 3310030015409 (Pakistan) (individual) [SDGT] (Linked To: LASHKAR E-TAYYIBA). Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for acting for or on behalf of, LASHKAR-E TAYYIBA, an entity determined to be subject to E.O. 13224.

3. EHSAN, Muhammad (a.k.a. AHSAN, Muhammad; a.k.a. IHSAN, Muhammad; a.k.a. ''ULLAH, Ehsan''); Islamabad, Pakistan; DOB 1970; alt. DOB 1971; alt. DOB 1972; POB Sialkot, Pakistan; Gender Male (individual) [SDGT] (Linked To: LASHKAR E-TAYYIBA). Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit,

Threaten to Commit, or Support Terrorism'' (E.O. 13224) for acting for or on behalf of, LASHKAR-E TAYYIBA, an entity determined to be subject to E.O. 13224.

4. HASHIMI, Muzammil Iqbal (a.k.a. HASHMI, Muzammil Iqbal; a.k.a. ''SAHIB, Hashmi''), Pakistan; DOB 1969; alt. DOB 1970; alt. DOB 1971; Gender Male (individual) [SDGT] (Linked To: LASHKAR E-TAYYIBA). Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for acting for or on behalf of, LASHKAR-E TAYYIBA, an entity determined to be subject to E.O. 13224.

5. KHALID, Saifullah, Lahore, Pakistan; DOB 1968; POB Kasur, Pakistan; citizen Pakistan; Gender Male (individual) [SDGT] (Linked To: LASHKAR E-TAYYIBA). Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for acting for or on behalf of, LASHKAR-E TAYYIBA, an entity determined to be subject to E.O. 13224.

6. NADEEM, Faisal (a.k.a. NADIM, Faisal), Sanghar, Pakistan; DOB 03 May 1970; Gender Male (individual) [SDGT] (Linked To: LASHKAR E-TAYYIBA). Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for acting for or on behalf of, LASHKAR-E TAYYIBA, an entity determined to be subject to E.O. 13224.

7. QAYYUUM, Tabish (a.k.a. QAYYUM, Muhammad Tabish Abdul; a.k.a. ''TABISH, Abdul Rahman Salar''), Karachi, Pakistan; DOB 09 Apr 1983; Gender Male (individual) [SDGT] (Linked To: LASHKAR E-TAYYIBA). Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for acting for or on behalf of, LASHKAR-E TAYYIBA, an entity determined to be subject to E.O. 13224.

Dated: April 2, 2018.

Andrea Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2018–07012 Filed 4–5–18; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Interest Rate Paid on Cash Deposited To Secure U.S. Immigration and Customs Enforcement Immigration Bonds

AGENCY: Departmental Offices, Treasury.

ACTION: Notice.

SUMMARY: For the period beginning April 1, 2018, and ending on June 30, 2018, the U.S. Immigration and Customs Enforcement Immigration Bond interest rate is 1.59 per centum per annum.

DATES: Rates are applicable April 1, 2018 to June 30, 2018.

ADDRESSES: Comments or inquiries may be mailed to Sam Doak, Reporting Team Leader, Federal Borrowings Branch, Division of Accounting Operations, Office of Public Debt Accounting, Bureau of the Fiscal Service, Parkersburg, West Virginia, 26106–1328. You can download this notice at the following internet addresses: <*http://www.treasury.gov*> or <*http://www.federalregister.gov*>.

FOR FURTHER INFORMATION CONTACT: Adam Charlton, Manager, Federal Borrowings Branch, Office of Public Debt Accounting, Bureau of the Fiscal Service, Parkersburg, West Virginia, 26106–1328, (304) 480–5248; Sam Doak, Reporting Team Leader, Federal Borrowings Branch, Division of Accounting Operations, Office of Public Debt Accounting, Bureau of the Fiscal Service, Parkersburg, West Virginia, 26106–1328, (304) 480–5117.

SUPPLEMENTARY INFORMATION: Federal law requires that interest payments on cash deposited to secure immigration bonds shall be ''at a rate determined by the Secretary of the Treasury, except that in no case shall the interest rate exceed 3 per centum per annum.'' 8 U.S.C. 1363(a). Related Federal regulations state that ''Interest on cash deposited to secure immigration bonds will be at the rate as determined by the Secretary of the Treasury, but in no case will exceed 3 per centum per annum or be less than zero.'' 8 CFR 293.2. Treasury has determined that interest on the bonds will vary quarterly and will accrue during each calendar quarter at a rate equal to the lesser of the average of the bond equivalent rates on 91-day Treasury bills auctioned during the preceding calendar quarter, or 3 per centum per annum, but in no case less than zero. [FR Doc. 2015–18545] In addition to this Notice, Treasury posts the current quarterly rate in Table 2b—Interest Rates for Specific Legislation on the TreasuryDirect website.

Gary Grippo,

Deputy Assistant Secretary for Public Finance.

[FR Doc. 2018–07101 Filed 4–5–18; 8:45 am]

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FEDERAL REGISTER

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Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Threatened Species Status for Louisiana Pinesnake; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2016–0121; 4500030113]

RIN 1018–BB46

Endangered and Threatened Wildlife and Plants; Threatened Species Status for Louisiana Pinesnake

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), determine threatened species status under the Endangered Species Act of 1973 (Act), as amended, for Louisiana pinesnake (*Pituophis ruthveni*), a reptile species from Louisiana and Texas. The effect of this regulation will be to add this species to the List of Endangered and Threatened Wildlife.

DATES: This rule is effective May 7, 2018.

ADDRESSES: This final rule is available on the internet at *http://www.regulations.gov* in Docket No. FWS–R4–ES–2016–0121 and *https://www.fws.gov/lafayette/*. Comments and materials we received, as well as supporting documentation we used in preparing this rule, are available for public inspection at *http://www.regulations.gov* and will be available by appointment, during normal business hours at: U.S. Fish and Wildlife Service, Louisiana Ecological Services Office, 646 Cajundome Boulevard, Suite 400; 337–291–3101; 337–291–3139.

FOR FURTHER INFORMATION CONTACT: Joseph Ranson, Field Supervisor, U.S. Fish and Wildlife Service, Louisiana Ecological Services Field Office (see **ADDRESSES** above). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Endangered Species Act, as amended (''Act'' or ''ESA''; 16 U.S.C. 1531 *et seq.*), a species may warrant protection through addition to the Lists of Endangered and Threatened Wildlife and Plants (listing) if it is endangered or threatened throughout all or a significant portion of its range. Listing a species as an endangered or threatened species may be completed only by issuing a rule.

What this document does. This final rule will add the Louisiana pinesnake (*Pituophis ruthveni*) as a threatened species to the List of Endangered and Threatened Wildlife in title 50 of the Code of Federal Regulations at 50 CFR 17.11(h).

The basis for our action. Under the Endangered Species Act, we may determine that a species is an endangered or threatened species based on any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We have determined that the Louisiana pinesnake is threatened primarily because of the past and continuing loss, degradation, and fragmentation of habitat in association with incompatible silviculture, fire suppression, road and right-of-way construction, and urbanization (Factor A), and the magnified vulnerability of all the small, isolated, genetically compromised extant populations to mortality events, including vehicle strikes and from predators (Factors C and E).

Peer review and public comment. We sought comments from independent specialists to ensure that our determination is based on scientifically sound data, assumptions, and analyses. We invited these peer reviewers to comment on our listing proposal. We also considered all comments and information received during the comment periods.

Previous Federal Action

Please refer to the proposed listing rule for the Louisiana pinesnake, which was published on October 6, 2016 (81 FR 69454), for a detailed description of previous Federal actions concerning this species.

Summary of Comments and Recommendations

In the proposed rule published on October 6, 2016 (81 FR 69454), we requested that all interested parties submit written comments on the proposal by December 5, 2016. We reopened the comment period on October 6, 2017 (82 FR 46748), with our publication of a document announcing a 6-month extension of the final listing determination. This second 30-day comment period ended on November 6, 2017. We also contacted appropriate Federal and State agencies, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. We did not receive any requests for a public hearing. All substantive information provided during comment periods has either been incorporated directly into this final determination or addressed below.

Peer Reviewer Comments

In accordance with our peer review policy published on July 1, 1994 (59 FR 34270), we solicited expert opinion from six knowledgeable individuals with scientific expertise that included familiarity with Louisiana pinesnake and its habitat, biological needs, and threats, and experience studying other pinesnake species. We received responses from all of the peer reviewers.

We reviewed all comments we received from the peer reviewers for substantive issues and new information regarding the listing of Louisiana pinesnake. The peer reviewers generally concurred with our presentation of the known life history, habitat needs, and distribution of the species, and provided additional information, clarifications, and suggestions to improve this final rule. Peer reviewer comments are addressed in the following summary and incorporated into the final rule as appropriate.

Two of the six peer reviewers commented that overall, the proposed rule was a thorough review of what is currently known about the Louisiana pinesnake, and another reviewer stated that the Service had used the best available science. One reviewer noted that information on life-history attributes and potential threats was limited, but he stated his support for the Service's proposed listing of the Louisiana pinesnake as threatened. Three peer reviewers stated that the Louisiana pinesnake was declining, and two of those three thought that the species should be listed as endangered rather than threatened. Specific substantive comments from peer reviewers, and our responses, follow:

(1) Comment: Two peer reviewers recommended that trapping effort should be included when discussing numbers of individuals captured in areas receiving beneficial management versus areas not receiving beneficial management in the Bienville population. One peer reviewer also cautioned that when we reported trapping success for the whole Bienville population, we did not indicate that two of the three sites being trapped are being managed to benefit the Louisiana pinesnake and much of the surrounding habitat is unsuitable for the species.

Our Response: We agree that trapping effort is important when making comparisons across sites. We have added capture-per-unit effort (*i.e.,* trap success) where we made comparisons of capture numbers among sites in Bienville. We also clarified which two sites in the Bienville area are being managed to benefit the Louisiana pinesnake, and indicate that trap success has been much greater in those two areas compared to a third site that is not managed to benefit the species.

(2) Comment: One peer reviewer stated that trap-days provide only a relative index with unknown precision and thus cannot be used to estimate population size. The reviewer also contended that, without a population size or vital rates for the species, no minimum population size or minimum area required for population persistence can be estimated.

Our Response: We acknowledge the limitations of using trap-days, and by extension trap success values, for estimating population size. Because of that limitation, we do not offer any quantitative estimation of population numbers or minimum habitat area in the rule. We use trap-days as a tool for relative comparisons between sites.

(3) Comment: One peer reviewer advised caution in using trapping results to determine Louisiana pinesnake EOHAs because much trapping was done prior to knowledge of the species' soil preferences (Wagner et al. 2014 and the Landscape-scaled Resource Selection Functions Model (LRSF model)), and because the criteria used to rank habitat quality for the purpose of identifying additional sites to conduct surveys in the Rudolph et al. (2006) study may not have accurately reflected actual habitat use by the species. The peer reviewer also stated that recent trapping records show that Louisiana pinesnakes are frequently trapped in areas not resembling a mature forest, even though they have otherwise desirable habitat characteristics. Therefore, potential trapping areas may have been overlooked.

Our Response: We agree soil types and the current understanding of the species' habitat preferences affected the selection of trapping areas and, therefore, the delineation of estimated occupied habitat for the Louisiana pinesnake. While some sites with no forested habitat may have been excluded because they were presumed to have a poorer quality habitat, we have no evidence that the number of untrapped sites that were potentially inhabited but not forested was greater than the number of untrapped sites that were forested and characterized as higher quality. Regarding soils, we know that some trapping areas were not located on preferred or suitable soils, especially before Wagner et al. (2014); however, the vast majority of all traps (84%) are located on preferred or suitable soils. So while some potential Louisiana pinesnakes areas may have been overlooked, the method used to delineate EOHAs is valid and represents the species' known locations as accurately as possible with the best available data. We have always recognized that there may still be undiscovered individuals and the threatened status extends to wherever the species is found.

(4) Comment: One peer reviewer and one other commenter stated that the proposed rule does not discuss consideration of distinct populations of the Louisiana pinesnake for separate listing status. They argue that the Texas and Louisiana populations represent distinct population segments and that the Texas populations should be listed as endangered.

Our Response: According to our DPS policy, for a population to be a distinct population segment it must be both discrete (either markedly separate from other populations of the same taxon, or delimited by international boundaries) and significant. To be significant, the population: (a) May persist in a unique or unusual ecological setting; (b) would, if lost, result in a significant gap in the range; (c) is the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historical range; and (d) differs markedly from other populations of the species in its genetic characteristics. As required by the policy, we first considered the discreteness of the Texas and Louisiana populations. We determined that they were discrete due to the physical barrier of the Sabine River and the lack of continuous suitable habitat between the Texas and Louisiana populations. We then looked at the significance of the Texas population. The habitat is the same, so there is no unusual or unique ecological setting for the species. The Texas population makes up only 19 percent of the total occurrence record, so its loss would not result in a significant gap in the range of the species. The genetics of both the Texas and Louisiana populations do not differ markedly from other populations of the species in characteristics. Therefore, it does not meet the significance criteria for being a DPS. The listable entity is the species, and we have determined that the species is threatened species throughout its entire range.

(5) Comment: Two peer reviewers stated that, although no verified records of Louisiana pinesnake occur from Grant Parish, Louisiana, where the reintroduction population is located, the species likely occurred there historically as there are occurrence records in parishes immediately north and south of Grant Parish.

Our Response: We relied on the county and parish occurrence records in Louisiana and Texas to describe the historical range of the species, and agree that it is likely that the Louisiana pinesnake occurred in at least some portions of Grant Parish, Louisiana, based on its known occurrences in parishes nearby.

(6) Comment: One peer reviewer stated that the small size of the two core management areas (CMAs), Kepler and Sandylands, within the Bienville EOHA should be emphasized. That reviewer estimated that fewer than 100 individuals could live there, and that neither the Bienville nor the Scrappin' Valley populations have enough habitat to support a viable population.

Our Response: We have clearly stated the size of the two CMAs within the Bienville EOHA both in terms of acreage and as a percentage of the total area of the EOHA. Based on the best available information, we could not determine whether the Bienville population or any other population is viable or not or what the minimum required habitat size may be.

(7) Comment: One peer reviewer and several other commenters believe that the Service should determine endangered rather than threatened status for the Louisiana pinesnake. The peer reviewer mentioned that there have been minimal conservation accomplishments concerning the Louisiana pinesnake since it was first identified as a candidate species 34 years ago, and that the conclusions cited in the rule are not adequate to support a threatened listing.

Our Response: The Act defines an endangered species as any species that is ''in danger of extinction throughout all or a significant portion of its range'' and a threatened species as any species ''that is likely to become endangered throughout all or a significant portion of its range within the foreseeable future.'' The determination to list the Louisiana pinesnake as threatened was based on the best available scientific and commercial data on its status, based on the immediacy, severity, and scope of the existing and potential threats and ongoing conservation actions (see Determination section, below). We found that an endangered species status was not appropriate for the Louisiana

pinesnake because, while threats to the species were significant, ongoing, and occurring mostly range-wide, multiple populations continue to occur within the species' range, and for all the populations, some occupied habitat is currently being managed to provide more suitable habitat for the species.

While it may be difficult to determine the ultimate success of these conservation actions, we know that discussions between the Service and our public lands partners, in particular, have resulted in new language within formal management plans that will protect and enhance Louisiana pinesnake habitat. For example, the Joint Readiness Training Center and Fort Polk have amended their integrated natural resources management plan to provide for the protection and management of the Louisiana pinesnake and its habitat. In addition, the Service, U.S. Forest Service (USFS), the Department of Defense, the Texas Parks and Wildlife Department, the Louisiana Department of Wildlife and Fisheries, the Natural Resources Conservation Service, and the Association of Zoos and Aquariums (AZA) are cooperators in a candidate conservation agreement (CCA) for the Louisiana pinesnake that allows the partnering agencies to work cooperatively on projects to avoid and minimize impacts to the species and to identify and establish beneficial habitat management actions for the species on certain lands in Louisiana and Texas. Some private landowners also maintain suitable habitat specifically for the Louisiana pinesnake in areas occupied by the snake.

(8) Comment: One peer reviewer and several public commenters questioned our conclusion that illegal collection from the wild and killing by humans were not threats to the Louisiana pinesnake.

Our Response: In the proposed rule, we relied upon the best scientific and commercial information available, which in the case of illegal collection included correspondence with individuals who have experience with the history of the pinesnake pet trade in the area (see ''Factor B: Overutilization for Commercial, Recreational, Scientific, or Educational Purposes'' in the Summary of Factors Affecting the Species section, below). Those sources maintained that the demand for Louisiana pinesnake is limited. There was no information available to suggest that illegal collection will increase once the species is listed, and no new information to support this theory was received during the comment periods. Since the Louisana pinesnake is fossorial (and thus difficult to locate), occurs mostly on private and restricted access lands, and does not overwinter in communal den sites (making it difficult for humans to find), based on the best available information illegal collection is not a threat to the species. Similarly, no further data were provided during the comment periods to show that intentional killing by humans was a threat. Therefore, we concluded that neither illegal collection nor intentional killing by humans are threats to the species.

(9) Comment: Two peer reviewers, a State agency, and other commenters claim that the Louisiana pinesnake is likely extirpated in Texas due to lack of records in several years despite extensive trapping efforts. Some commenters thought that the Service should make a statement of extirpation.

Our Response: The Service, after discussion with researchers knowledgeable about the Louisiana pinesnake, determined a method based on occurrence records and trapping effort to estimate the area occupied by the Louisiana pinesnake (see *Historical and Current Distribution* section). According to that method, we still recognize two areas that we believe to be occupied in Texas. Species listed under the ESA are protected wherever found.

(10) Comment: One peer reviewer disagreed with the Service's use of the term ''population'' to describe the snakes in the Reintroduction Feasibility Study as too optimistic, as there has been no reproduction observed, and it is unknown if a viable population is feasible.

Our Response: We agree that it is too soon to conclude whether the experimental reintroduction is successful, which is why we did not make any claims in the proposed rule of reproduction or viability for the reintroduced population. However, a basic definition of the term ''population'' is a group of individuals of the same species that occur together in the same area. Our use of the term ''population'' for the Reintroduction Feasibility Study animals was to indicate that it was a group of individuals of the same species located in one geographical area, not to relay that we considered pinesnakes in this area to be reproducing or self-sustaining.

(11) Comment: One peer reviewer suggested that the EOHAs overestimate the extent of occupied habitat, because not all of the habitat within EOHAs is suitable, and not all suitable habitat is occupied. The reviewer also stated that occupied area has declined over time. The reviewer also stated that the Service incorrectly considered conservation planning on reasonably sized habitat blocks, in addition to likely occupation by the species, as the method to delineate the EOHAs.

Our Response: As described in the proposed rule, EOHAs were delineated around Louisiana pinesnake verified occurrence records obtained after to 1993 (when more extensive trapping began) excluding records older than 11 years (the estimated Louisiana pinesnake generational turnover period (Marti 2014, pers. comm.)), when traps within 0.6 mi (1 km) of following at least 5 years of unsuccessful trap effort. The method and criteria used by the Service to determine EOHAs are somewhat different from what the peer reviewer used (Rudolph et al. 2016). Whereas both incorporate a 1-km buffer around a minimum convex polygon (MCP) to account for within-home-range movement of individuals occurring at the periphery of the MCP, the peer reviewer developed MCPs of occupied habitat based on Louisiana pinesnake occurrences documented only within the 5-year intervals that each of the polygons represent. As noted by the peer reviewer, the Service's method is less conservative in how it assumes records relate to the presence of an animal. The peer reviewer's method assumes that an individual that occurred in one 5-year interval was not present during the next 5-year interval unless it was recaptured. The Service method assumes a longer persistence of individuals for purposes of estimating occupied habitat. Several individual snakes (among several populations) have been captured 4 to 5 years apart with no intervening captures in the same general area, indicating that snakes can persist for at least several years in areas without being captured (Pierce 2016, unpublished data; Battaglia 2016, pers. comm.).

Neither method should be construed to represent the absolute extent of Louisiana pinesnake occupied habitat at a specific point in time. Both attempt to predict the spatial extent of mobile animals over time based on data points that are nearly all tied to mostly permanent trap locations. However, both methods are based on factual evidence of the species' presence, and have value. The aerial extent of the EOHAs alone cannot be used to estimate the species' abundance, and therefore are only one part of the analysis used in the decision to list the Louisiana pinesnake as threatened. The Service method for determining occupied habitat does not rely on soil or habitat type or any variable other than occurrence records of the species. The

Service acknowledges the peer reviewer's comment that not all of the EOHAs comprise suitable habitat, and not all suitable habitat is likely to be occupied. The Service does not imply that this situation must be either true or necessary in order to describe the EOHAs.

(12) Comment: One peer reviewer claimed that neither predation nor disease is a significant factor in the population decline of the Louisiana pinesnake as stated in the proposed rule. That reviewer also stated that disease is a concern in the captive population.

Our Response: The Service stated in the proposed rule that disease was not a threat, but that predation acting together with other known sources of mortality, coupled with the current reduced size of the remaining Louisiana pinesnake populations, constitutes a threat (see Factor C: Disease or Predation). Based on numerous accounts of predation on other related pinesnake species (and one attempted predation on a Louisiana pinesnake), we believe that the Louisiana pinesnake experiences natural predation, and that as long as the populations are low in abundance, this activity does constitute a threat. The Service did not find that disease in the captive population was a threat to the Louisiana pinesnake. Nearly all captive-animal propagation efforts are at risk of disease. Premature death due to disease has affected the captive population, but the mortality history of the captive population of Louisiana pinesnakes is consistent with that of any healthy captive population of snakes maintained for several decades (Reichling 2018, pers. comm.).

With a captive population of just under 200 animals, even a small number of deaths are potentially detrimental to the effort to maintain a secure captive population and provide animals for recruitment into the wild. However, because great losses due to disease have not occurred in the Louisiana pinesnake captive population and the member zoos have not reported a heightened concern about disease, we do not consider disease outbreak in the captive-bred population to be a threat at this time.

(13) Comment: One peer reviewer stated that all populations of Louisiana pinesnake continue to decline in abundance and the overall range of the species has contracted. Another peer reviewer stated that Louisiana pinesnake trap success in three Texas populations during the 5 years preceding the last captures in those populations is similar to what is happening with three Louisiana populations (Bienville, Fort Polk/Vernon, and Peason); therefore, the species should be listed as endangered rather than threatened.

Our Response: The Louisiana pinesnake has declined in both numbers and range. All populations in Texas continue to show a decline even after additional trapping efforts extended the number and range of potential detection points. Acknowledging the unfavorable outlook for Texas populations, some general limitations of trapping to determine the species' presence should be noted. The number of trapped snakes is almost certainly an underestimate of individuals, and while it is likely that the number of individual snakes captured is partly a function of trap density, that relationship remains unknown. Additionally, some individuals caught in one trapping season in a relatively small area of suitable habitat were not captured again for up to 5 years (Pierce 2016, unpub data; Battaglia 2016, pers. comm.). Finally, it should be noted that not all suitable habitat has been trapped.

While we not aware of any viability analyses based on demographic and life-history data, the peer reviewer has conducted research using state-space modelling based on trap success data to predict the timing of ''quasi-extinction'' for populations of the Louisiana pinesnake. The Service does not use a comparable statistical analysis tool that determines extinction or ''quasi-extinction.'' The Bienville and Fort Polk populations have a long history of regular captures, and trap success in the last 2 years (2015, 2016) at the Sandylands core management area (CMA) was greater than any other year since trapping started in 2004. While long-term persistence of these populations is in question, and there is no evidence to show an increase of individuals, a decline of the Louisiana populations cannot be concluded from trapping data.

(14) Comment: One peer reviewer stated that the effectiveness of conservation efforts for the Louisiana pinesnake cannot be demonstrated.

Our Response: As we acknowledged in the proposed rule, beneficial forest management has not resulted in an increase in abundance of the Louisiana pinesnake even though many acres of land have been included in conservation efforts. However, by increasing the amount of suitable habitat by appropriate forest management, the threat of habitat loss and fragmentation has been reduced in many areas. The connection between suitable habitat, pocket gophers, and the Louisiana pinesnake is thoroughly explained in the proposed rule and supported by research cited therein. Recent (2011–2016) captures of subadults in the Bienville EOHA indicates that conditions there support some level of reproduction and persistence. However, we agree that the long-term persistence of the Louisiana pinesnake is in danger; therefore, we are listing the Louisiana pinesnake as a threatened species.

(15) Comment: One peer reviewer stated that most forest conservation work that is beneficial to the Louisiana pinesnake is work that is already being conducted for the benefit of the red-cockaded woodpecker and requested that this be emphasized in the rule.

Our Response: Because their basic habitat requirements are very similar, conservation efforts for the red-cockaded woodpecker also benefit the Louisiana pinesnake. We noted these contributions in the proposed rule and have added text in the final rule to underscore their importance.

(16) Comment: One peer reviewer asked that the Service clarify the meaning of ''invasive species'' as used in the list of activities that may result in a violation of section 9 of the ESA.

Our Response: Executive Order 13112 defines ''invasive species'' in section 1, paragraph (f), as ''an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.'' Take to the Louisiana pinesnake may occur in the form of harm as a result of habitat degradation caused by invasive plant species.

(17) Comment: One peer reviewer questioned whether only wild snakes, as opposed to both wild and captive-bred individuals, should be subject to some or all of the prohibitions found in section 9 of the Act.

Our Response: We intend that the prohibitions of section 9 of the Act apply to both wild-caught and captive-bred Louisiana pinesnakes. While intrastate commerce, including that of threatened species, is not regulated by Federal law, interstate commerce of both threatened and endangered species is generally prohibited except by special permit. The permitting process would allow the Service to better monitor all individuals of the species, validate claims of captive-bred status, and inform the decision to approve or disapprove actions that could potentially affect the wild population.

Federal Agency Comments

(18) Comment: One Federal agency commented that the captive-breeding program and reintroduction efforts are promising but it is premature to call

them a success. That agency and some other commenters also recommended that any wild-caught snakes should be introduced into the captive-breeding population.

Our Response: As discussed in a *Response to Comment* above, the captive-breeding program and reintroduction efforts are promising, and in the proposed rule we did claim that the reintroduction program had shown partial success. Although there has been no evidence of reproduction, almost 60 percent of the total 77 snakes released were recaptured in 2016 (3 years later), which shows that captive-bred individuals can survive without assistance for several years.

Although two of the Service's partners, AZA and USFS are currently carrying out a captive-breeding and reintroduction effort, captive-propagation programs are generally a last recourse for conserving species. The Act directs the Service to focus on conserving the species in the wild. Loss of habitat is one of the primary threats to this species. Before captive animals are taken from the wild or can be reintroduced, questions of genetics, disease, and survival in the wild must be evaluated and addressed. Captive populations, even when they are healthy and genetically diverse, will likely not survive in the wild unless there is adequate habitat. However, as we begin the recovery process, we will consider various options for recovery of the species, which will likely continue to include captive propagation.

(19) Comment: The Army apprised the Service of new research on pocket gophers done at Fort Polk. The Army agreed with the Service's recommended habitat management for the Louisiana pinesnake at Fort Polk. It also commented that Fort Polk should be exempt from take for activities related to red-cockaded woodpecker and Louisiana pinesnake conservation and be exempted from critical habitat designation.

Our Response: The Service has reviewed the research provided and incorporated this new information in the *Habitat* section of the preamble to this rule. In a conference opinion, the Service conferred with the Army on habitat management activities and military training that takes place on Army-controlled land at Fort Polk and concluded that those actions analyzed in that conference opinion were not likely to jeopardize the continued existence of the Louisiana pinesnake. That opinion does not apply to the red-cockaded woodpecker, but only to the Louisiana pinesnake and the specific actions covered in the opinion. With the listing of the species, the conference opinion must be confirmed as formal consultation by adopting it as a biological opinion. The Service did not designate critical habitat in this final rule, but will make a decision in the near future to propose critical habitat if prudent and determinable, and if appropriate will evaluate whether lands in Fort Polk should be considered for designation (see Critical Habitat section).

Comments From States

We received comments from the Texas Comptroller of Public Accounts, the Texas Parks and Wildlife Department, Texas A&M Forest Service, and the Louisiana Department of Wildlife and Fisheries. The Texas Comptroller of Public Accounts and Texas A&M Forest Service stated that they believe the Louisiana pinesnake is likely extirpated in Texas. All three Texas State agencies stated their support for longleaf pine (*Pinus palustris*) restoration efforts, and also management of other pine species to benefit the Louisiana pinesnake. The Texas Parks and Wildlife Department provided an extensive list of what it represented were normal practices that would be necessary for forest management and that should not be restricted if the species was listed. Specific comments are addressed below.

(20) Comment: While all three Texas State agencies and several other commenters stated their support for longleaf pine restoration, they also commented that ongoing conservation efforts with other pine species, best management practices, and good stewardship or healthy forest certifications were also beneficial for the Louisiana pinesnake.

Our Response: The structure of the forest occupied by Louisiana pinesnakes is very important, and while some studies have shown that pinesnakes have not always been found to use longleaf pine forests exclusively, studies support the need for open-canopied pine forest with a sparse midstory and well-developed herbaceous ground cover composed of grasses and forbs. While other tree species could potentially be managed for an open canopy, the canopy structure of longleaf pine allows greater light penetration than other pine species for trees of comparable size. So for the same stem density, longleaf pine will generally allow more sunlight to reach the forest floor, which increases herbaceous vegetation cover. That said, while certification for well-managed forests or timber farms is likely an indication of good habitat for some wildlife, to our knowledge there is no certification that specifies what forest condition would need to be achieved in order to benefit the Louisiana pinesnake specifically.

Public Comments

(21) Comment: Several commenters representing the forestry industry stated that the Service mistakenly thinks that pine plantations are static ''closed canopies'' and have ''thick mid-stories.'' They stated that pine plantations can provide suitable Louisiana pinesnake habitat, and across a broad, actively managed forest landscape, pine plantations that are at different stages of development ensure that suitable habitat is available at all times. Some commenters referred to a 2013 National Council for Air and Stream Improvement report, which states that of the almost 9 million acres of planted pine forests owned by large corporate forest landowners, two-thirds of those acres were in some form of open-canopied condition. The commenters suggested that suitable Louisiana pinesnake habitat should include this type of matrix of forested stands where the canopy cover is at various stages of being open and closed, as the pinesnakes would always be able to find areas where they could locate food, shelter, and mates.

Our Response: We sincerely appreciate the efforts of forest landowners to provide habitat for a variety of species and would like to continue working with the forest industry to further explore the benefits of pine plantations. That said, not all forests are managed in a way that will protect the species or its habitat. In the survey cited by the commenter, two-thirds of those acres were composed of young trees that had not grown large enough to close the canopy, as many managed pine forest lands go through cycles of having closed canopies. For example, if a stand becomes closed when the trees are 5 to 7 years old, and the first thinning is at age 14 to 20, there is a period of 7 to 15 years when that stand is unsuitable for pinesnakes.

The idea that a matrix of intermittently open- and closed-canopied forest stands provides suitable habitat for Louisiana pinesnakes relies on several assumptions: That suitable open habitat will always be located in close proximity to areas where the canopy is closing, that areas of suitable habitat will be expansive enough to support the large home ranges of these snakes, and that snakes which must relocate due to canopy closure will be able to find adequate access to relocated mates and prey in their shifted home range. Small mammal abundance

decreases in response to canopy closure, often to the point of mammals abandoning the site (Lane et al. 2013, p. 231; Hansberry et al. 2013, p. 57). Also, the primary prey of the Louisiana pinesnake, Baird's pocket gopher (*Geomys breviceps*), forages on herbaceous vegetation, which requires sufficient sunlight penetration for growth. When the forest canopy of a stand becomes more closed, herbaceous vegetation is reduced or lost entirely. Therefore, stands with closed canopies, although open for a part of the time during the cycle of management and harvesting activities, are not stable habitats for pinesnakes and do not contribute to the long-term conservation of the species.

(22) Comment: Many commenters stated that the structure of the forest is more important to Louisiana pinesnake than the presence of longleaf pine per se. They note that Louisiana pinesnakes have been found in other habitats, such as monoculture pine plantations containing little if any longleaf pine.

Our Response: The best available information shows that structure of the forest occupied by Louisiana pinesnakes is very important, and while some studies have shown that pinesnakes have not always been found exclusively using longleaf pine forests, these studies support the need for open-canopied pine forest with a sparse midstory and well-developed ground cover composed of grasses and forbs. While other tree species could potentially be managed for an open canopy, the canopy structure of longleaf pine is such that it allows greater light penetration than other pine species for trees of comparable size. So for the same stem density, longleaf pine will generally allow more sunlight to reach the forest floor, which increases herbaceous vegetation cover. In the proposed rule, we described the types of forest and habitat where Louisiana pinesnakes have been found historically. For the vast majority of records occur in forested locations dominated by longleaf pine. When Louisiana pinesnakes are found in pine plantations devoid of longleaf pine, these areas are adjacent to areas with longleaf pine and areas of open canopy with herbaceous vegetation. As noted in the proposed rule, the individuals found in the plantation area appeared to be less healthy than those found in the beneficially managed areas indicating that they may have only been traversing the plantation in search of higher quality habitat (Reichling et al. 2008).

(23) Comment: Several commenters stated that the Service should have requested peer reviewers with expertise in forestry, especially from the private sector.

Our Response: In accordance with our peer review policy published on July 1, 1994 (59 FR 34270), we selected qualified peer-reviewers based on their particular expertise or experience relevant to the scientific questions and determinations addressed in our action. We solicited peer review from six knowledgeable individuals with expertise pertaining to pinesnakes, their habitat, and threats, including one reviewer with extensive experience with forestry management, especially as applied to conservation actions to benefit habitat for the red-cockaded woodpecker, an endangered species with habitat requirements similar to the Louisiana pinesnake.

(24) Comment: Several commenters indicated that concerns about liability limit landowners' ability to conduct prescribed fire, which benefits the Louisiana pinesnake.

Our Response: We acknowledge and commend landowners for their land stewardship and want to continue to encourage those management practices that support the Louisiana pinesnake. We understand the liability concerns associated with implementing prescribed fire, but note that, while prescribed fire is an effective and preferred forest management tool, private landowners will not be required to perform prescribed burning on their property as a result of the listing of the Louisiana pinesnake. Landowners who wish to pursue this activity may be able to purchase liability insurance specifically for conducting prescribed burns. Additionally, voluntary conservation programs such as the Service's Partners for Fish and Wildlife Program and various programs administered by the Natural Resources Conservation Service may provide financial assistance to eligible landowners who implement management activities that benefit the habitat for a listed species, including the Louisiana pinesnake.

(25) Comment: Several commenters indicated that listing the Louisiana pinesnake may lead to changes in forest management that would negatively impact the species.

Our Response: In compliance with the requirements of the Act and its implementing regulations, we determined that the Louisiana pinesnake warrants listing based on our assessment of the best available scientific and commercial data. We recognize that the Louisiana pinesnake remains primarily on lands where habitat management has supported survival, due in large part to voluntary actions incorporating good land-stewardship, and we want to continue to encourage land management practices that support the species.

We recognize the need to work collaboratively with private landowners to conserve and recover the Louisiana pinesnake.. We encourage any landowners with a listed species that may be present on their properties, and who think they may conduct activities that negatively impact that species, to work with the Service. We assist landowners to determine whether actions they may result in take of a listed species and, if so, whether a habitat conservation plan or safe harbor agreement may be appropriate for their needs. These plans or agreements provide for the conservation of the listed species while providing coverage for incidental take of the species during the course of otherwise lawful activities. Other voluntary programs, such as the Service's Partners for Fish and Wildlife program and the Natural Resources Conservation Service's Farm Bill programs offer opportunities for private landowners to enroll their lands and receive cost-sharing and planning assistance to reach their management goals. The recovery of endangered and threatened species to the point that they are no longer in danger of extinction now or in the future is the ultimate objective of the Act, and the Service recognizes the vital importance of voluntary, nonregulatory conservation measures that provide incentives for landowners in achieving that objective. We are committed to working with landowners to conserve this species and develop workable solutions.

(26) Comment: One commenter stated that the Service arbitrarily chose open-canopy longleaf forest as the ''historic'' habitat condition for the Louisiana pinesnake. They also commented that the habitat has been altered by humans (especially fire) since the arrival of the first Americans.

Our Response: The use of the term ''historical'' is not meant to suggest that the longleaf ecosystem was free of human (Native American) influence (*i.e.,* in a pristine state), but rather it refers to the ecosystem that occurred prior to European settlement and modern silviculture, and the ecosystem within which the Louisiana pinesnake evolved. It is for these reasons that the longleaf pine ecosystem is considered the Louisiana pinesnake's historical habitat. See our discussion of longleaf pine habitat under *Factor A: The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range* in the proposed rule.

(27) Comment: Two commenters suggested that conservation efforts are already helping the species and that the Service should use public-private partnerships and alternative conservation tools (*e.g.,* Candidate Conservation Agreement with Assurances) to recover the Louisiana pinesnake instead of Federal Endangered Species Act listing.

Our Response: Conservation of the Louisiana pinesnake will require collaboration between Federal, State, and local agencies and landowners. We recognize that the Louisiana pinesnake remains primarily on lands where habitat management has supported survival, due in large part to voluntary actions incorporating good land-stewardship, and we want to continue to encourage land management practices that support the species. However, our determination to list the species is required by the Act and its implementing regulations, considering the five listing factors, and using the best available scientific and commercial information. Our analysis supports our determination of threatened status for this species. Ongoing conservation actions, including those referenced by the commenters, and the manner in which they are helping to ameliorate threats to the species were considered in our final listing determination for the Louisiana pinesnake (see ''Conservation Efforts to Reduce Habitat Destruction, Modification, or Curtailment of Its Range'' under *Factor A* and ''Conservation Efforts to Reduce Threats under Factor E'' under *Factor E*). Habitat loss, degradation, and fragmentation has been a primary driver of the Louisiana pinesnake's decline. These ongoing conservation efforts were not sufficient to ameliorate the threats to the species such that listing was not warranted, and additional conservation efforts will be needed to recover the species to the point that the protections of the Act are no longer needed.

(28) Comment: Some commenters stated that there is no evidence that the Louisiana pinesnake needs any forest overstory at all.

Our Response: As discussed in the *Habitat* section of this rule, the best available scientific information indicates that Louisiana pinesnake habitat generally consists of sandy, well-drained soils in open-canopy pine forest, which may include species such as longleaf, shortleaf, slash, or loblolly pines with a sparse midstory, and well-developed herbaceous ground cover dominated by grasses and forbs (Young and Vandeventer 1988, p. 204; Rudolph and Burgdorf 1997, p. 117). Abundant ground-layer herbaceous vegetation is important for the Louisiana pinesnake's primary prey, the Baird's pocket gopher, (Rudolph *et al* 2012, p. 243). Pocket gopher abundance is associated with a low density of trees, an open canopy, and a sparse woody midstory, which allow greater sunlight and more herbaceous vegetation needed as forage for pocket gophers (Himes 1998, p. 43; Melder and Cooper 2015, p. 75).

The best available scientific information indicates that the structure of the open-canopy pine forest occupied by pinesnakes is important, despite some pinesnakes having found outside of longleaf pine forests. These studies also support the need for open-canopy pine forest with a well-developed herbaceous ground cover. The species has been collected in fields devoid of trees and trapped in areas with newly planted trees, suggesting that very open canopy conditions are preferred. The vast majority of records for the species come from pine forests, with only a few records from non-forested fields. The best scientific information available indicates that the Louisiana pinesnake can use some treeless areas, but there is no evidence that those areas are preferred over, or good substitutes for, open-canopy pine forest habitat as described in the rule.

(29) Comment: Commenters stated that the Service's data and information were not sufficient to proceed with a listing of the Louisiana pinesnake. Commenters noted the lack of critical information needed to assess the species' status and population trends, such as demographic data, rangewide surveys, and population estimates. Several others contended that population estimates are inaccurate and likely too low because Louisiana pinesnakes are difficult to locate, noting their tendency to remain below ground most of the time, and that trapping efforts are limited in scope across the animal's range.

Our Response: It is often the case that data are limited for rare species, and we acknowledge that it would be useful to have more information on the Louisiana pinesnake. However, as required by section 4 of the Act, we are required to base our determination on the best available scientific and commercial information at the time of our rulemaking. No new or alternative data were offered by any commenters that resulted in a change to our determination that the Louisiana pinesnake should be listed as threatened under the Act.

(30) Comment: Several commenters stated that the peer review of the proposed rule is flawed because the reviewers are not really independent because the proposed rule relies on some of their research.

Our Response: The Act and our regulations require us to use the ''best scientific data available'' in a listing decision. Further, in making our listing decisions, we use information from many different sources, including articles in peer-reviewed journals, scientific status surveys and studies completed by qualified individuals, other unpublished governmental and nongovernmental reports, reports prepared by industry, personal communication about management or other relevant topics, management plans developed by Federal agencies or the States, biological assessments, other unpublished materials, experts' opinions or personal knowledge, and other sources, including expert opinions of subject biologists.

In accordance with our peer review policy published on July 1, 1994 (59 FR 34270), we solicited peer review from knowledgeable individuals with scientific expertise that included familiarity with this species and other pinesnakes, the geographic region in which the species occurs, and conservation biology principles.

(31) Comment: Several commenters indicated the Service should consider the economic costs to the public when making a determination to Federally list a species.

Our Response: Section 4(a)(1) of the Act specifies that the determination of whether any species is an endangered species or a threatened species is based solely on the five factors A through E (see Executive Summary, basis of findings) none of which include economics. Therefore, the Service is precluded from considering such potential costs in association with a listing determination.

(32) Comment: Several commenters indicated there should be economic incentives or private landowners should be compensated if land use is restricted on their property due to listing of a threatened or endangered species.

Our Response: There is no provision in the Act to compensate landowners if they have a federally listed species on their property. However, the landowners' only obligation is not to ''take'' the species. We encourage any landowners that may have a listed species on their properties, and who think they may conduct activities that negatively impact that species, to work with the Service. The Service's Partners for Fish and Wildlife Program and various programs administered by the Natural Resources Conservation Service may provide financial assistance to eligible landowners who implement

management activities that benefit the habitat for a listed species, including the Louisiana pinesnake. Private landowners may contact their local Service field office to obtain information about these programs and permits.

(33) Comment: Some commenters stated that the Service rushed to list the Louisiana pinesnake because of a lawsuit settlement.

Our Response: The status of the Louisiana pinesnake has been under consideration by the Service for almost two decades. The Louisiana pinesnake was added to the candidate list of species in 1999, during which time the scientific literature and data indicated that the species was detrimentally impacted by ongoing threats. At that time, we determined that the Louisiana pinesnake warranted listing under the Act, but listing was precluded by the necessity to commit limited funds and staff to complete higher priority listing actions. We continued to find that listing was warranted but precluded through subsequent annual Candidate Notices of Review. On July 12, 2011, the Service filed a multiyear workplan as part of a settlement agreement with the Center for Biological Diversity and others, in a consolidated case in the U.S. District Court for the District of Columbia. A settlement agreement (Endangered Species Act Section 4 Deadline Litigation, No. 10–377 (EGS), MDL Docket No. 2165 (D.D.C. May 10, 2011)) was approved by the court on September 9, 2011. The settlement enabled the Service to systematically, over a period of 6 years, review and address the needs of more than 250 candidate species, including the Louisiana pinesnake, to determine if they should be added to the Federal Lists of Endangered and Threatened Wildlife and Plants. Our review of the Louisiana pinesnake was one of the last species addressed under this settlement agreement. Section 4 of the Act and its implementing regulations (50 CFR part 424) set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. Notwithstanding the settlement agreement and its requirements, we also adhered to the requirements of the Act and its implementing regulations to determine whether the Louisiana pinesnake warrants listing, based on our assessment of the five-factor threats analysis using the best available scientific and commercial data.

(34) Comment: Commenters representing the captive-breeding community voiced concern over the impact of the listing to pet owners, many of whom indicated a willingness to contribute to Louisiana pinesnake conservation, work of researchers, and zoological institutions. Some questioned the need for Federal protection, citing the existing State regulations in Texas and Louisiana. Some specifically requested that captive-bred animals be excluded from the listing or exempted through a rule under section 4(d) of the Act to allow unfettered continuation of captive breeding, pet ownership, and trade.

Our Response: Louisiana pinesnakes acquired before the effective date of the final listing of this species (see **DATES**, above) may be legally held and bred in captivity as long as laws regarding this activity within the State in which they are held are not violated. This would include snakes acquired prior to the effective date of this listing by pet owners, researchers, and zoological institutions. Future sale or other use of captive-bred Louisiana pinesnakes, born from pre-listing acquired parents, within the State of their origin would be regulated by applicable laws of that State. If individuals outside a snake's State of origin wish to purchase captive-bred snakes, they would have to first acquire a section 10(a)(1)(A) Interstate Commerce permit from the Service (website: *http://www.fws.gov/forms/3-200-55.pdf*).

(35) Comment: Several commenters stated that the Louisiana pinesnake is closely associated with Baird's pocket gopher, which serves it as prey and a provider of shelter via its underground burrows. They contend that because the gopher is abundant and not declining, the Louisiana pinesnake is not at risk. Other commenters also suggested that not enough is known about the pocket gopher population to know how it might affect the Louisiana pinesnake.

Our Response: The Baird's pocket gopher is likely abundant and has a relatively large range (greater than the Louisiana pinesnake); however, the Louisiana pinesnake is currently known from only six relatively small isolated areas, a small subset of the overall Baird's pocket gopher range. Within those areas, the amount of suitable habitat for pocket gophers and Louisiana pinesnakes is limited even further. The abundance of the pocket gopher is only important to the Louisiana pinesnake in those local areas where the pocket gopher is available as prey and where its burrows provide refugia. Like other animals, pocket gopher populations can become locally scarce due to local adverse habitat conditions while simultaneously remaining abundant on a rangewide scale. Therefore, the rangewide abundance of the pocket gopher does not predict their abundance in other localized areas, including those known to be occupied by the Louisiana pinesnake.

(36) Comment: Several commenters indicated the species is already protected by State laws, and as such should not be listed under the Act (or that listing under the Act should not be necessary).

Our Response: Section 4(b)(1)(A) of the Act requires us, in making a listing determination, to take into account those efforts being made by States or foreign nations, or any political subdivision thereof, to protect the species. As part of our analysis, we consider relevant Federal, State, and tribal laws and regulations. Regulatory mechanisms may negate the need for listing if we determine such mechanisms address the threats to the species such that listing is not, or no longer, warranted. However, for the Louisiana pinesnake, the best available information supports our determination that State regulations are not adequate to remove the threats to the point that listing is not warranted. Existing State regulations, while providing some protection for individual snakes, do not provide any protection for their habitat (see Factors Affecting the Species, *Factor D* discussion). Loss, degradation, and fragmentation of habitat has been a primary driver of the species' decline. The Act provides protections for listed species and their habitats both through sections 7 and 10 of the Act, and the designation of critical habitat. In addition, listing provides resources under Federal programs to facilitate restoration of habitat, and helps bring public awareness to the plight of the species.

(37) Comment: Several commenters indicated that activities that may violate section 9 of the ESA are too broadly written and may encompass forest management activities that would not meet the regulatory definition of ''harm'' because they would not significantly impair essential behaviors. For harm to occur it must be proven that there is or will be death or actual injury to an identifiable member of the species that is proximately caused by the action in question.

Our Response: The term ''take'' is defined by the ESA to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct. ''Harass'' is further defined by the Service to mean an intentional or negligent act or omission that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which

include, but are not limited to, breeding, feeding, or sheltering. ''Harm'' is further defined by the Service to mean an act which actually kills or injures wildlife, and such acts may include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns including breeding, feeding, or sheltering.

The Service understands the concern of forest owners and managers regarding forest management activities that may potentially violate section 9 of the ESA. However, the Service did specify that ''*unauthorized* destruction or modification of suitable occupied Louisiana pinesnake habitat'' may potentially result in a violation. That statement may appear broad, but it covers activities in addition to forest management, such as conversion of suitable forest habitat to agriculture or other land use. If forest management activities would neither result in a significant disruption of normal behavior patterns (*i.e.,* harass) nor impair essential behavior patterns (*i.e.,* harm), then those activities would not violate section 9 of the ESA. The Service is committed to working with landowners and land managers to help them determine whether any forest management activities would potentially rise to the level of ''harass'' or ''harm'' of the Louisiana pinesnake in occupied habitat and, if so, whether a habitat conservation plan or safe harbor agreement may be appropriate for their needs.

(38) Comment: Several commenters stated that reintroduction should be done on public lands only, and private landowners in the immediate area should be notified.

Our Response: Reintroduction, with improved success, done in multiple populations where appropriate habitat is available, has the potential to eventually increase the number of individuals and populations, increase genetic heterozygosity, and alleviate presumed inbreeding depression in the populations, making them more resistant to threats described under *Factor E.* An informal committee was established to oversee and conduct an experimental reintroduction of the Louisiana pinesnake on public land in an attempt to demonstrate the feasibility of reintroducing a population using individuals from a captive population, and establishment of a viable population in restored habitat. As discussed under *Population Estimates and Status,* the resulting efforts to reintroduce Louisiana pinesnakes have been conducted only at the Kisatchie National Forest (KNF) Catahoula District site. So far, there have been no other attempts to augment existing populations of Louisiana pinesnakes with captive-bred individuals. The Service is committed to working with the appropriate Federal, State, and local partners, as well as private entities, to identify additional, appropriate reintroduction sites, and ensure that if such reintroductions occur, they are only conducted on lands with willing landowners and adjacent landowners are notified.

(39) Comment: Several commenters stated that they thought critical habitat, if necessary, should be designated on public land only.

Our Response: Critical habitat has been determined to be prudent but not determinable at this time. See Critical Habitat, below.

(40) Comment: Two commenters stated that there is debate among the scientific community concerning the validity of the taxonomic classification of the Louisiana pinesnake as a distinct species.

Our Response: We concluded that the species is a valid taxon (See *Species Description and Taxonomy* section in the proposed rule) based in part on Reichling (1995) and Rodriguez-Robles and Jesus-Escobar (2000) which concluded the same. The classification of the Louisiana pinesnake with the species name *Pituophis ruthveni* is recognized by Crother (2000) and accepted by the Society for the Study of Amphibians and Reptiles, the American Society of Ichthyologists and Herpetologists, and the Herpetologists League. That classification, while recognized as not unequivocally supported by the available data by the ICUN, is also adopted by the ICUN's own database. Some researchers (*e.g.,* Ernst and Ernst [2003]) may treat *ruthveni* as a subspecies of *Pituophis catenifer,* but it should be noted that subspecies can also be listed under the Act and afforded the same protections as a full species.

(41) Comment: One commenter stated that the Service had not provided relevant data about the Louisiana pinesnake to the public for review.

Our Response: Consistent with a 2016 Director's Memorandum, ''Information Disclosure Policy for ESA Rulemakings,'' we post all cited literature that is used in rulemaking decisions under the Act, and that is not already publicly available, on *Regulations.gov* concurrent with the **Federal Register** publication. Where cited references or literature used in the rulemaking process are not published and readily available to the public, (such as with grey literature, information from States, or other unpublished resources), we will post those documents on *Regulations.gov*. Documents that can already be accessed online by the public, either through purchase or for free, do not need to be uploaded onto *http://www.regulations.gov*. Any such information, documents, data, grey literature, or other information that we cite in our rulemaking will be posted and made available at the time of publication of the rule. In addition, as noted above, comments and materials we received, as well as supporting documentation we used in preparing this rule, will be available by appointment, during normal business hours at: U.S. Fish and Wildlife Service, Louisiana Ecological Services Office, 646 Cajundome Boulevard, Suite 400.

Summary of Changes From the Proposed Rule

This final rule incorporates minor changes to our proposed rule based on the comments we received, as discussed above in the Summary of Comments and Recommendations, and newly available survey information. Many small, nonsubstantive changes and corrections were made throughout the document in response to comments (*e.g.,* updating the Background section, threats, and minor clarifications). However, the information we received in response to the proposed rule did not change our determination that the Louisiana pinesnake is a threatened species. Below is a summary of substantive changes made to the final rule:

- Additional information on habitat from recent studies (Wagner et al., 2016) was added to include forb species as part of the preferred ground-layer herbaceous vegetation. In addition, we added that snakes appeared to select areas based on the diameter at breast high (dbh) (>25 cm dbh) trees, rather than the number of trees per plot.
- Updated occurrence records and individuals of Louisiana pinesnakes from the USFS to include a total 291 verified occurrence records of 251 individual Louisiana pinesnakes from 1927 through November 1, 2017 (excluding reintroductions), all from Louisiana and Texas. In addition, Louisiana pinesnake trapping across the species' entire range from 1992 through November 1, 2017, has resulted in 113 unique individual captures during 451,501 trap days (1:4,220 trap success) (Pierce 2017, pers. comm.; Pierce 2016a, pers. comm.)
- Updated information related to trapping efforts to include data from 1992–2017 throughout the historical range of the Louisiana pinesnake, which

has resulted in 116 unique (*i.e.,* new or first capture) individual captures.

- Updated trap success rate at Bienville EOHA, which is 61,091 ac (24,722.6 ha), with a trap success rate of 1:1,133.1 (Pierce 2017, pers. comm.; Pierce 2016a, pers. comm.).
- Updated the number of trap days and survey years on the Kisatchie District of the KNF to read that no Louisiana pinesnakes were captured during 13,372 trap days (1995 to 2003).
- Revised captive-breeding release information to include 91 captive-bred Louisiana pinesnakes released into the wild at the Catahoula Ranger District of the KNF (Pierce 2017, pers. comm.)
- Updated detection information released snakes through monitoring of deployed Automated PIT Tag Recorders and trapping.
- Updated Factor C disease discussion paragraph to include new disease information.

Background

Please refer to the proposed listing rule for the Louisiana pinesnake (81 FR 69454, October 16, 2016) for a full summary of species information. We also present new information published or obtained since the proposed rule was published (see also Summary of Changes from the Proposed Rule, above).

Species Description and Taxonomy

Pinesnakes (genus *Pituophis*) are large, short-tailed, non-venomous, powerful constricting snakes with keeled scales and disproportionately small heads (Conant and Collins 1991, pp. 201–202). Their snouts are pointed, and they have a large scale on the tip of their snout presumably contributing to the snakes' good burrowing ability. The Louisiana pinesnake (*P. ruthveni*) has a buff to yellowish background color with dark brown to russet dorsal blotches covering its total length (Vandeventer and Young 1989, p. 35; Conant and Collins 1991, p. 203). The belly of the Louisiana pinesnake ranges from unmarked to boldly patterned with black markings. It is variable in both coloration and pattern, but a characteristic feature is that the body markings on its back are always conspicuously different at opposite ends of its body. Blotches run together near the head, often obscuring the background color, and then become more separate and well-defined towards the tail. Typical head markings include dark spots on top, dark suture marks on the labial (lip) scales, head markings, although rarely, and a dark band or stripe may occur behind the eye (Boundy and Carr 2017, p. 335). The length of typical adult Louisiana pinesnakes ranges from 48 to 56 inches (in) (122 to 142 centimeters (cm)) (Conant and Collins 1991, p. 203).

Habitat

Louisiana pinesnakes are known from and associated with a disjunct portion of the historical longleaf-dominated pine ecosystem that existed in west-central Louisiana and east Texas (Reichling 1995, p. 186). Longleaf pine forests are dominated by longleaf, but may also contain other overstory species such as loblolly and shortleaf pine and sparse hardwoods. They have a species-rich herpetofaunal community and harbor many species that are specialists of the longleaf pine habitat (Guyer and Bailey 1993, p. 142). Louisiana pinesnake habitat generally consists of sandy, well-drained soils in open-canopy pine forest, which may include species such as longleaf, shortleaf, slash, or loblolly pines with a sparse midstory, and well-developed herbaceous ground cover dominated by grasses and forbs (Young and Vandeventer 1988, p. 204; Rudolph and Burgdorf 1997, p. 117). The vast majority of natural longleaf pine habitat has been lost or degraded due to conversion to extensive pine plantations and suppression of the historical fire regime. As a result, current Louisiana pinesnake habitat occurs within smaller, isolated patches of longleaf forest and other open forest with well-developed herbaceous ground cover.

Abundant ground-layer herbaceous vegetation, especially forb species, (Wagner et al. 2016, p. 11) is important for the Louisiana pinesnake's primary prey, the Baird's pocket gopher which constitutes 75 percent of the Louisiana pinesnake's estimated total prey biomass (Rudolph et al 2012, p. 243). Baird's pocket gophers feed on various parts of a variety of herbaceous plant species (Pennoyer 1932, pp. 128–129; Sulentich et al. 1991, p. 3). Pocket gopher abundance is associated with a low density of trees, an open canopy, and a small amount of woody vegetation cover, which allow greater sunlight and more herbaceous forage for pocket gophers (Himes 1998, p. 43; Wagner et al. 2016, p. 11).

Baird's pocket gophers also create the burrow systems in which Louisiana pinesnakes are most frequently found (Rudolph and Conner 1996, p. 2; Rudolph and Burgdorf 1997, p. 117; Himes 1998, p. 42; Rudolph et al. 1998, p. 146; Rudolph et al. 2002, p. 62; Himes et al. 2006, p. 107), and the snakes use these burrow systems as nocturnal refugia and hibernacula, and to escape from fire (Rudolph and Burgdorf 1997, p. 117; Rudolph et al. 1998, p. 147; Ealy et al. 2004, p. 386; Rudolph et al. 2007 p. 561; Pierce et al. 2014, p. 140). Most Louisiana pinesnake relocations have been underground in pocket gopher burrow systems (Ealy et al. 2004, p. 389; Himes et al. 2006, p. 107). In Louisiana, habitat selection by Louisiana pinesnakes seems to be determined by the abundance and distribution of pocket gophers and their burrow systems (Rudolph and Burgdorf 1997, p. 117). Active Louisiana pinesnakes occasionally use debris, logs, and low vegetation as temporary surface shelters (Rudolph and Burgdorf 1997, p. 117; Himes 1998, p. 26; Ealy et al. 2004, p. 386); however, most Louisiana pinesnakes disturbed on the surface retreat to nearby burrows (Rudolph and Burgdorf 1997, p. 117). Louisiana pinesnakes also minimally use decayed or burned stumps, or nine-banded armadillo (*Dasypus novemcinctus*) burrows as underground refugia (Ealy et al. 2004, p. 389).

Baird's pocket gophers appear to prefer well-drained, sandy soils with low clay content in the topsoil (Davis et al. 1938, p. 414). Whether by choice for burrowing efficiency or in pursuit of Baird's pocket gophers (or likely both), Louisiana pinesnakes also occur most often in sandy soils (Wagner et al. 2014, p. 152). In addition to suitable forest structure and herbaceous vegetation, specific soil characteristics are an important determinant of Louisiana pinesnake inhabitance (Wagner et al. 2014, entire). The snakes prefer soils with high sand content and a low water table (Wagner et al. 2014, p. 152).

In one study, Louisiana pinesnakes were found most frequently in pine forests (56 percent), followed by pine plantation (23 percent) and clear-cuts (9 percent). Across all sites including pine plantation, snakes appeared to select areas with fewer large (>25 cm dbh) trees. Preferred sites had less canopy closure and more light penetration, which supports increased understory vegetation growth and therefore more pocket gophers (Himes et al. 2006, pp. 108–110; 113), regardless of the type of wooded land. A 2-year (2004–2005) trapping study was conducted at three locations: two were mixed long leaf/loblolly pine stands being managed specifically for Louisiana pinesnake habitat, and one was a loblolly pine plantation managed for fiber tree production. Using an equal number of traps at each location, Reichling et al. (2008, p. 4) found the same number of Louisiana pinesnakes in the pine plantation (n = 2) as one of the mixed-pine stands managed for Louisiana pinesnake (n = 2); however,

the greatest number of snakes was found in the second mixed-pine stand managed for Louisiana pinesnake (n = 8). In addition, the snakes found in pine plantation conditions appeared thin or emaciated (indicating they probably had not fed recently), and were not recaptured in that habitat, which may indicate they were moving through these sites (Reichling et al. 2008, pp. 9, 14).

Life History

Louisiana pinesnakes appear to be most active March through May and September through November (especially November), and least active December through February and during the summer (especially August) (Himes 1998, p. 12). During the winter, Louisiana pinesnakes use Baird's pocket gopher burrows as hibernacula (Rudolph et al. 2007 p. 561; Pierce et al. 2014, p. 140). The species does not use burrows communally, and they does not exhibit fidelity to hibernacula sites in successive years (Pierce et al. 2014, pp. 140, 142). Louisiana pinesnakes observed in east Texas appear to be semi-fossorial and diurnal, and also moved relatively small distances (Ealy et al. 2004, p. 391). In one study, they spent, on average, 59 percent of daylight hours (sunrise to sunset) below ground, and moved an average of 541 ft (163 m) per day (Ealy et al. 2004, p. 390).

Summary of Biological Status and Threats

Historical and Current Distribution

The Louisiana pinesnake historically occurred in portions of northwest and west-central Louisiana and extreme east-central Texas (Conant 1956, p. 19). This area coincides with an isolated, and the most westerly, occurrence of the longleaf pine ecosystem and is situated west of the Mississippi River. Most of the sandy, longleaf-pine-dominated savannahs historically inhabited by the Louisiana pinesnake had been lost by the mid-1930s (Bridges and Orzell 1989, p. 246; Frost 1993, p. 30). After virgin longleaf pine was cut, it rarely regenerated naturally. In some parts of the Southeast, free-ranging hogs depredated the longleaf pine seedlings, and fire suppression allowed shrubs, hardwoods, and loblolly pine to dominate (Frost 1993, pp. 34–36). The naturally maintained open structure and abundant herbaceous vegetation characteristic of the historical longleaf pine forests was diminished or lost; therefore, it is likely that undocumented populations of this species occurred but were lost before 1930.

The USFS has compiled and maintains a database of all known Louisiana pinesnake locations (excluding telemetry data). According to that database, 291 occurrence records of 251 individual Louisiana pinesnakes have been verified from 1927 through November 1, 2017 (excluding reintroductions), all from Louisiana and Texas (Pierce 2015, unpub. data). By comparison, for the Florida pinesnake (*Pituophis melanoleucus mugitus*), a species with a four-state range (Ernst and Ernst 2003, p. 281), has 874 records of occurrence through 2015 in the Florida alone (Enge 2016, pers. comm.). Approximately 395 records of occurrence exist for the black pinesnake (*Pituophis melanoleucus lodingi*), a species listed as threatened, throughout its range since 1932 (Hinderliter 2016, pers. comm.).

The Louisiana pinesnake records database is continually updated and corrected based on the latest information and analysis of record quality, and thus the number of verified records may change over time.

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Figure 1. Current and Historic Range of Louisiana Pinesnake

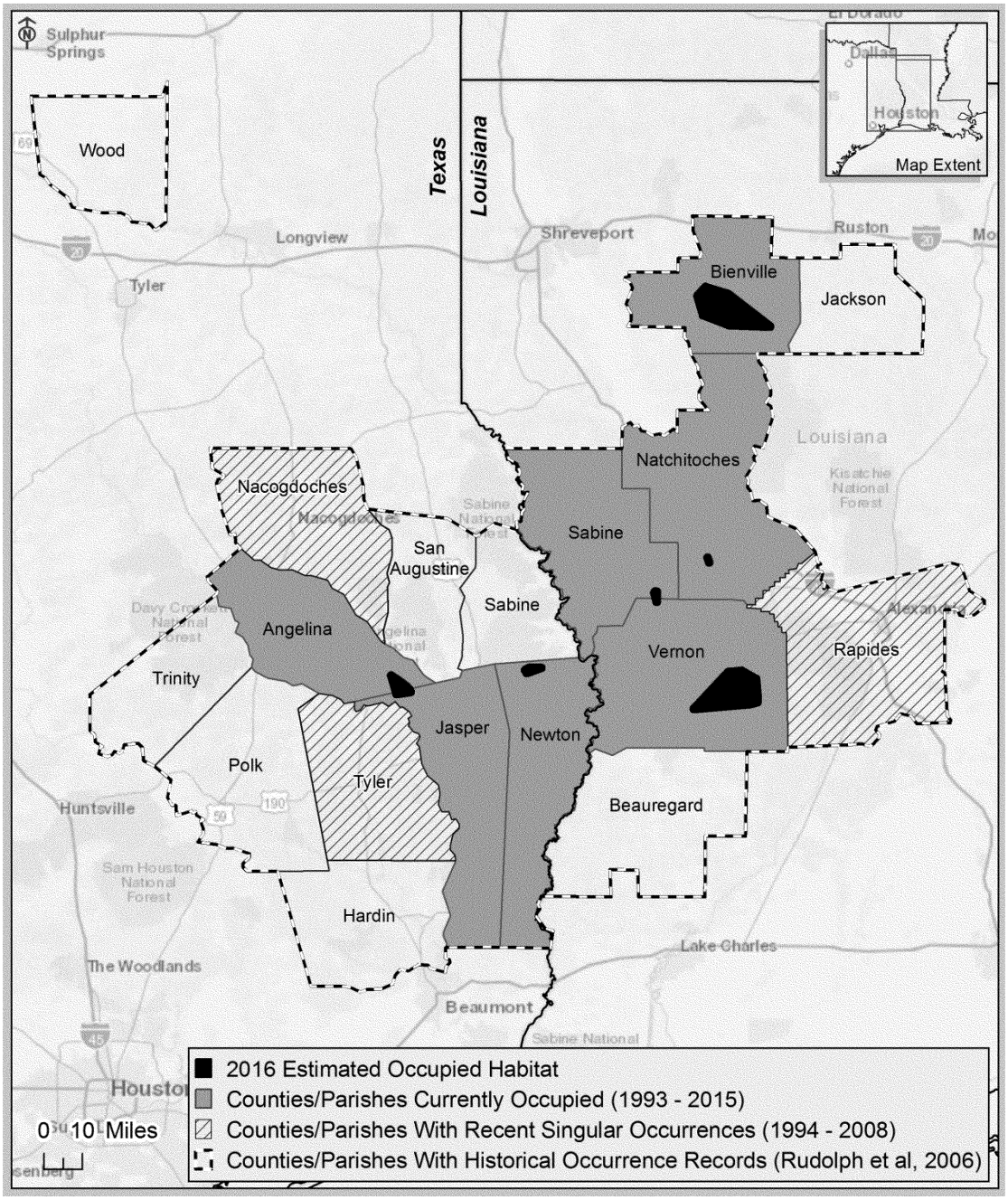
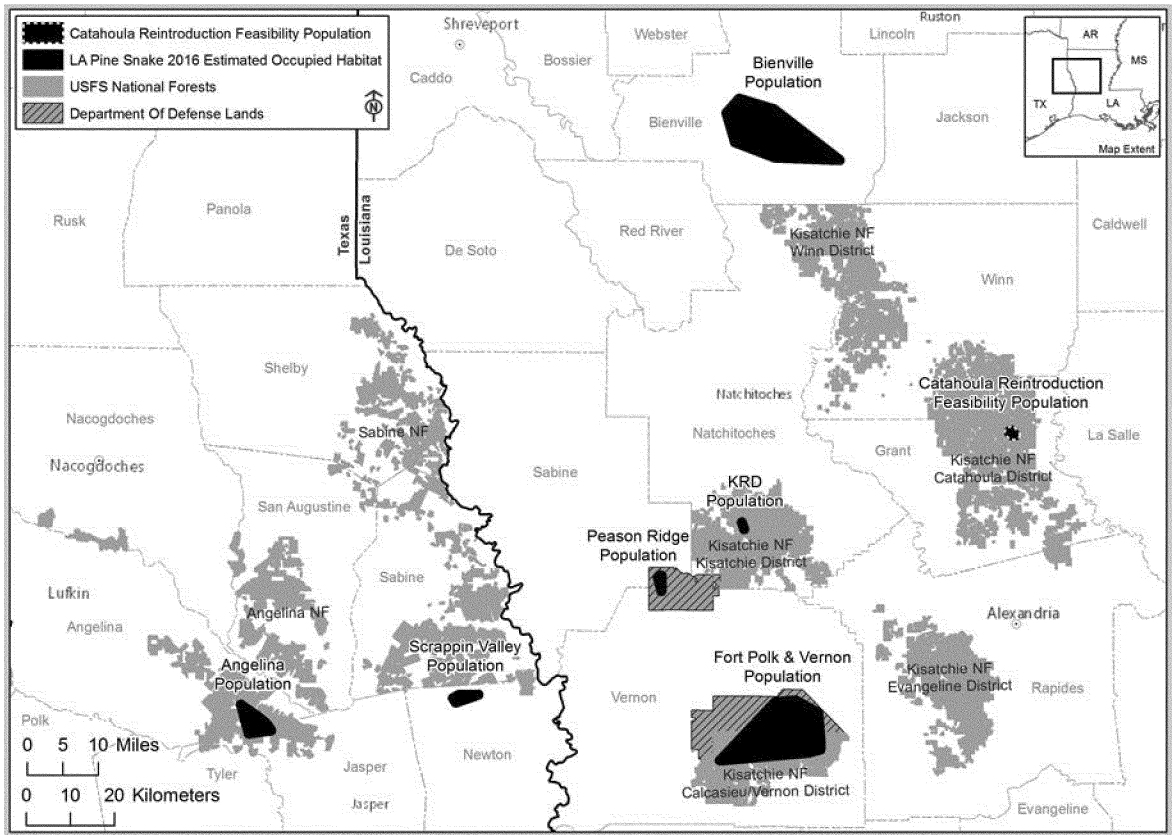


Figure 2: Estimated Occupied Habitat Areas for Louisiana Pinesnake 2016



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Those EOHAs occur on 30,751.9 ac (12,444.8 ha) of DOD lands, 47,101.3 ac (19,061.2 ha) of USFS lands, 499.7 ac (202.2 ha) of State and municipal lands, and 67,324.9 ac (27,245.4 ha) of private lands (Table 1).

TABLE 1—LAND OWNERSHIP IN ACRES (HECTARES) OF ESTIMATED OCCUPIED HABITAT AREAS (EOHAS) FOR LOUISIANA PINESNAKE AS DETERMINED FOR 2016 ACCORDING TO LOCATION RECORDS THROUGH 2015

[Totals may not sum due to rounding]

State	Estimated occupied habitat area	U.S. Forest Service	Department of Defense	State and municipal	Private	Total for estimated occupied habitat area
Louisiana	Bienville	0 (0)	0 (0)	363.7 (147.2)	60,727.2 (24,575.5)	61,090.9 (24,722.6)
	Kisatchie	1,598.8 (647.0)	0 (0)	0 (0)	0 (0)	1,598.8 (647.0)
	Peason Ridge	0 (0)	3,147.3 (1,273.7)	0 (0)	0 (0)	3,147.3 (1,273.7)
	Fort Polk/Vernon	34,164.7 (13,826.0)	27,601.3 (11,169.8)	0 (0)	222.6 (90.1)	61,988.7 (25,085.9)
	Catahoula Reintroduction	1,828.5 (739.9)	0 (0)	0 (0)	0 (0)	1,828.5 (739.9)
Louisiana Total		37,592.0 (15,213.0)	30,748.5 (12,443.5)	363.7 (147.2)	60,949.9 (24,665.6)	129,654.1 (52,469.2)
Texas	Scrappin' Valley	0 (0)	0 (0)	21.3 (8.6)	5,036.5 (2,038.2)	5,057.8 (2,046.8)
	Angelina	9,509.3 (3,848.3)	3.3 (1.4)	114.7 (46.4)	1,338.6 (541.7)	10,965.8 (4,437.7)
Texas Total		9,509.3 (3,848.3)	3.3 (1.4)	136.0 (55.1)	6,375.0 (2,579.9)	16,023.6 (6,484.5)
Total Ownership		47,101.3 (19,061.3)	30,751.9 (12,444.8)	499.7 (202.2)	67,324.9 (27,245.4)	145,677.7 (58,953.7)

Population Estimates and Status

The Louisiana pinesnake is one of the rarest snakes in North America (Young and Vandeventer 1988, p. 203; Himes et al. 2006, p. 114). It was classified in 2007 as endangered on the IUCN's Red List of Threatened Species (version 3.1; *http://www.iucnredlist.org/*).

Most Louisiana pinesnake records used to approximately delineate occupied habitat were acquired by trapping. Louisiana pinesnake trapping across the species' entire range from 1992 through November 1, 2017, has resulted in 113 unique individual captures during 451,501 trap days. This amount of effort amounts to a 1:4,220 trap success, which is a very low level of trapping success compared to other pinesnake species (Pierce 2017, pers. comm.; Pierce 2016a, pers. comm.). For instance, a Florida pinesnake trapping effort using similar drift-fence trapping methods in one 30,000-ac (12,141-ha) section of the species' range captured 87 unique individuals during 50,960 trap

days (1:585.7 trap success) over a 13-year period from 2003 to 2015 (Smith 2016b, pers. comm.). The Louisiana pinesnake site with the greatest long-term trap success by far, the Bienville EOHA, which is 61,091 ac (24,722.6 ha), has a trap success rate of 1:1,133.

Catahoula Reintroduction Feasibility EOHA

An informal committee was established to oversee and conduct an experimental reintroduction of the Louisiana pinesnake in an attempt to evaluate the feasibility of using individuals from a captive population to establish a viable population in restored habitat. To date, 91 captive-breed Louisiana pinesnakes have been released into the wild at the Catahoula Ranger District of the KNF.

Captive-Breeding Population

The captive Louisiana pinesnake zoo population established in 1984 was initially maintained through wild collection. The AZA Species Survival Plan (SSP) for the Louisiana pinesnake was implemented in 2000, to manage the zoo population (Reichling et al., in litt. 2015, p. 1). The goals of the SSP are to: Maintain an assurance colony for wild Louisiana pinesnake populations, preserve or increase genetic heterozygosity into the future, preserve representative genetic integrity of wild populations, and provide individuals as needed for research and repopulation for the conservation of wild populations (Service 2013, pp. 32–33).

As of November 2017, the captive-breeding Louisiana pinesnake population consists of 191 individuals at 13 institutions (Reichling 2017, pers. comm.; Foster 2017a pers. comm.). Except for a downturn between about 2001 and 2005, hatching success has steadily increased since about 1987 (Reichling 2017, pers. comm.), especially in the last 2 years: the number of hatchlings produced in 2017 increased nearly 50 percent over the number of hatchlings produced in 2016 (Foster 2017b, pers. comm.).

Summary of Factors Affecting the Species

Section 4 of the Act (16 U.S.C. 1533), and its implementing regulations at 50 CFR part 424, set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. Under section 4(a)(1) of the Act, we may list a species based on (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. Listing actions may be warranted based on any of the above threat factors, singly or in combination. In this section, we summarize the biological condition of the species and its resources, and the influences of the listing factors on them, to assess the species' overall viability and the risks to that viability.

Factor A: The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Both the quantity and quality of the natural longleaf pine ecosystem, the primary historical habitat of the Louisiana pinesnake, have declined sharply in Louisiana and Texas since European settlement. The loss, degradation, and fragmentation of the longleaf pine dominant ecosystem was historically caused by logging, turpentining, fire suppression, alteration of fire seasonality and periodicity, conversion to generally offsite pine species plantations, agriculture, and free-range hogs (Frost 1993, pp. 24–30, 31, 35). Virtually all virgin timber in the southern United States was cut during intensive logging from 1870 to 1920 (Frost 1993, p. 30). Only about 2.9 percent of longleaf pine forests in Louisiana and Texas were uncut old-growth stands in 1935 (Bridges and Orzell 1989, p. 246). During the latter half of the 20th century, Louisiana, Alabama, and Mississippi lost between 60 and 90 percent of their already reduced longleaf acreage (Outcalt and Sheffield 1996, pp. 1–10). By the late 1980s, the natural longleaf pine acreage in Louisiana and Texas was only about 15 and 8 percent, respectively, of what had existed in 1935 (Bridges and Orzell 1989, p. 246). Those longleaf pine forests were primarily converted to extensive monoculture pine plantations (Bridges and Orzell 1989, p. 246).

In short, the longleaf-dominant pine forest (longleaf pine forest type plus longleaf pine in mixed-species stands) in the southeastern United States declined approximately 96 percent from the historical estimate of 92 million ac (37 million ha) (Frost 1993, p. 20) to approximately 3.75 million ac (1.52 million ha) in 1990 (Guldin et al. 2016, p. 324). Since the 1990s, longleaf-pine-dominant forest acreage has been trending upward in parts of the Southeast through restoration efforts (Guldin et al. 2016, pp. 323–324). The longleaf-dominant pine forest stands had increased to approximately 4.3 million ac (1.7 million ha) by 2010 (Oswalt et al. 2012, p. 10; Guldin et al. 2016, pp. 323–324) and 4.7 million ac (2.8 million ha) in 2015 (America's Longleaf Restoration Initiative 2016, p. 12).

In general, overall forest land area in the southeastern United States is predicted to decline between 2 and 10 percent in the next 50 years (Wear and Greis 2013, p. 78). The projected losses of natural pine forest in the Southeast would occur mostly as a result of conversion to planted pine forests (Wear and Greis 2013, p. 79). For the southern Gulf region, model runs assuming worse case scenarios of high levels of urbanization and high timber prices predict large percentage losses in longleaf pine in some parishes and counties of Louisiana and Texas that were historically and that are currently occupied by the Louisiana pinesnake, while two Louisiana parishes in the current occupied range are expected to gain (less than the percent decline predicted in the other parishes and counties) in longleaf pine acreage (Klepzig et al. 2014, p. 53). The outer boundary or ''footprint'' of the longleaf pine ecosystem across its historical range has contracted as recently as the period of 1990 to 2010, with losses (primarily due to conversion to loblolly pine) in western Louisiana and eastern Texas (Oswalt et al. 2012, pp. 10–14).

Impacts from urbanization vary across the Southeast, with most population growth predicted to occur near major cities (Wear and Greis 2013, p. 21), which are generally not near known Louisiana pinesnake occurrences. However, the most recent assessment still predicts decreased use of land for forests (mainly due to urbanization) in the next 45 years in all of the parishes (Louisiana) and counties (Texas) historically and currently occupied by the species (Klepzig et al. 2014, pp. 21–23).

High-quality longleaf pine forest habitat, which is generally characterized by a high, open canopy and shallow litter and duff layers, is maintained by frequent, low-intensity fires, which in turn restrict a woody midstory and promote the flowering and seed production of fire-stimulated groundcover plants (Oswalt et al. 2012, pp. 2–3). The Louisiana pinesnake is historically associated with natural longleaf pine forests, which were maintained in good condition by natural processes and have the abundant herbaceous vegetation necessary to support the Louisiana pinesnake's primary prey, the Baird's pocket gopher (Himes 1998, p. 43; Sulentich et al. 1991, p. 3; Rudolph and Burgdorf 1997, p. 17). Areas managed with silvicultural practices for fiber production do not

allow sufficient herbaceous vegetation growth and are not adequate to support viable Louisiana pinesnake populations (Rudolph et al. 2006, p. 470). Indeed, further trapping at the same sites sampled in the Reichling et al. (2008) study from 2006 through 2016 has resulted in a 1:877.2 trap success rate and a 1:808.5 trap success rate for the first and second beneficially managed stands, respectively, and a 1:2,744.0 trap success rate for the plantation site (Pierce 2017, unpub. data).

Existing and Planned Conservation Efforts: As early as the 1980s, forest restoration and management had been implemented on Fort Polk, Peason Ridge, and adjacent USFS lands to restore and maintain conditions of widely spaced trees, clear of dense midstory growth (U.S. Department of the Army 2014, p. 21). Management occurred for training suitability and red-cockaded woodpecker habitat, and most recently for Louisiana pinesnake habitat. The requirements for those three objectives happen to have significant overlap, especially the maintenance of open-canopy pine forest. Most forest management beneficial to the Louisiana pinesnake to date has been performed primarily for the benefit of the red-cockaded woodpecker.

USFS has implemented habitat restoration and management for many years on Sabine National Forest (SNF), Angelina National Forest (ANF), and KNF to benefit the red-cockaded woodpecker, as provided for in its land and resource management plans (USFS 1996, pp. 107–134; USFS 1999, pp. 2–61 to 2–73). In 2003, a candidate conservation agreement (CCA) for the Louisiana pinesnake, which includes the Service, USFS, DOD, Texas Parks and Wildlife Department (TPWD), and Louisiana Department of Wildlife and Fisheries (LDWF), was completed. Targeted conservation actions are currently being implemented as part of that agreement. The CCA identifies and establishes beneficial habitat management actions for the Louisiana pinesnake on Federal lands in Louisiana and Texas, and provides a means for the partnering agencies to work cooperatively on projects that avoid and minimize impacts to the species. The CCA also set up mechanisms to exchange information on successful management practices and coordinate research efforts. SNF (Sabine Louisiana pinesnake population considered extirpated since 2014) and ANF in Texas, and KNF and Fort Polk in Louisiana, agreed in the CCA to continue or start new stem thinning and prescribed burning operations in sections of upland pine forests and, where possible, to convert forests to longleaf pine (CCA 2003, pp. 12–16).

Since completion of the CCA, beneficial forest management activities conducted by USFS and Fort Polk now formally include conservation of the Louisiana pinesnake. Removing some trees from a dense stand with heavy canopy cover allows more light to reach the ground, which can promote the growth of herbaceous vegetation, an important food source for the primary prey of the Louisiana pinesnake. Prescribed burning helps to control midstory cover, particularly hardwood species that compete with pine seedlings and reduce light penetration. Converting forests to longleaf pine is helpful because longleaf pine is better adapted to fire (and tolerates it at an earlier age) than other pine species and, therefore, is generally easier to manage with prescribed fire over multiple rotations. Historically, Louisiana pinesnakes were predominantly found in longleaf pine forests, and that forest type was historically the dominant type in the areas that now make up the KNF, ANF, and Fort Polk.

The CCA was revised in 2013, and now also includes the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) and the AZA as cooperators (Service 2013, pp. 7–8). That agreement updates, supersedes, and improves upon the 2003 CCA, and uses significant new information from research, threats assessments, and habitat modeling that was not available in 2003 to focus conservation actions, including beneficial forest management, in areas with the best potential to become suitable habitat for the Louisiana pinesnake. Those areas are called habitat management units (HMUs), which were delineated based on existing red-cockaded woodpecker habitat management areas in upland pine forests. Those areas were further defined by the location of preferable and suitable soils (LRSF Model) for the Louisiana pinesnake in order to dedicate resources to areas the species is most likely to inhabit. The CCA also includes guidance on practices to reduce impacts to Louisiana pinesnakes from vehicles on improved roads and off-road all-terrain vehicle (ATV) trails (see ''Conservation Efforts to Reduce Threats Under Factor E,'' below).

Thousands of acres of forests on Federal lands have been treated over many years (beginning well before the CCA) with prescribed burning, and that treatment along with tree thinning continues to the present. The following tables summarize recent forest management activities on Federal lands where Louisiana pinesnake populations occur. Values have been rounded to the nearest acre.

TABLE 2—ACRES (HECTARES) OF PRESCRIBED BURNING AND THINNING CONDUCTED IN THE KISATCHIE RANGER DISTRICT OF THE KNF (KISATCHIE POPULATION) WITHIN THE 2014 DELINEATED EOHA (1,599 TOTAL ac [647 ha]) AND THE LARGER SURROUNDING HMU (36,114 TOTAL ac [14,615 ha])

Area	Prescribed burning 2015	Prescribed burning 2013–2015	Stocking reduction (thinning) 2015
EOHA	963 (390)	1,980 (801)	0 (0)
HMU	4,285 (1,734)	24,893 (10,074)	193 (78)

TABLE 3—ACRES (ha) OF PRESCRIBED BURNING AND THINNING CONDUCTED IN THE VERNON UNIT OF THE KNF (FORT POLK/VERNON POPULATION) WITHIN THE 2014 DELINEATED EOHA (34,487 TOTAL ACRES [13,956 ha]) AND THE LARGER SURROUNDING HMU (61,387 TOTAL ACRES [24,842 ha])

Area	Prescribed burning 2015	Prescribed burning 2013–2015	Stocking Reduction (thinning) 2015
EOHA	12,670 (5,127)	43,281 (17,515)	1,541 (624)

TABLE 4—ACRES (ha) OF PRESCRIBED BURNING AND THINNING CONDUCTED AT FORT POLK (FORT POLK/VERNON POPULATION) WITHIN THE 2014 DELINEATED EOHA (27,502 TOTAL ACRES [11,130 ha]) AND THE LARGER SURROUNDING HMU (29,037 TOTAL ACRES [11,751 ha])

Area	Prescribed burning 2015	Prescribed burning 2013–2015	Stocking reduction (thinning) 2015
EOHA	7,675 (3,106)	22,628 (9,157)	430 (174)
HMU	9,159 (3,707)	24,241 (9,810)	586 (237)

TABLE 5—ACRES (HECTARES) OF PRESCRIBED BURNING AND THINNING CONDUCTED AT PEASON RIDGE (PEASON RIDGE POPULATION) WITHIN THE 2014 DELINEATED EOHA (4,886 TOTAL ac [1,977 ha]) AND THE LARGER SURROUNDING HMU (11,265 TOTAL ac [4,559 ha])

Area	Prescribed burning 2015	Prescribed burning 2013–2015	Stocking reduction (thinning) 2015
EOHA	489 (198)	2,597 (1,051)	0 (0)
HMU	2,651 (1,073)	7,440 (3,011)	100 (40)

TABLE 6—ACRES (ha) OF PRESCRIBED BURNING AND THINNING CONDUCTED IN ANF (ANF POPULATION) WITHIN THE 2014 DELINEATED EOHA (10,966 TOTAL ac [4,438 ha]) AND THE LARGER SURROUNDING HMU (24,200 TOTAL ac [9,793 ha])

Area	Prescribed burning 2015	Prescribed burning 2013–2015	Stocking reduction (thinning) 2015
EOHA	2,735 (1,107)	10,179 (4,119)	0 (0)
HMU	6,702 (2,712)	18,940 (7,665)	0 (0)

TABLE 7—ACRES (HECTARES) OF PRESCRIBED BURNING AND THINNING CONDUCTED IN THE CATAHOULA RANGER DISTRICT KNF (CATAHOULA REINTRODUCTION FEASIBILITY POPULATION) WITHIN THE 2014 DELINEATED EOHA (1,828 TOTAL ac [740 ha]) AND THE LARGER SURROUNDING HMU (57,394 TOTAL ac [ha])

Area	Prescribed burning 2015	Prescribed burning 2011–2015	Stocking reduction (thinning) 2015
EOHA	784 (317)	784 (317)	0 (0)
HMU	8,279 (3,350)	40,419 (16,357)	231 (93)

Within the Bienville EOHA, the 851–ac (344–ha) Kepler Lake and 859–ac (348–ha) Sandylands Core Management Areas (CMAs) (approximately 2.8 percent of the EOHA) were voluntarily established by the landowners at the time to be managed for Louisiana pinesnake habitat. According to the current landowner (Cook 2016a, 2016b, pers. comm.), in the loblolly-longleaf pine mixed stands of the Kepler Lake and Sandylands CMAs, approximately 50 percent (430 ac (174 ha)) and 55 percent (475 ac (192 ha)), respectively, have been planted with longleaf pine beginning in 2001. Using a combination of supplemental funding sources (*e.g.,* Service Private Stewardship Grant, Western Gulf Coastal Plain Prescribed Burning Initiative), the present landowner has completed prescribed burning of hundreds of acres on the CMAs each year since 2000 (except in 2005, 2008, 2009, and 2012). Additionally, midstory (hardwood and shrub) control is achieved in the CMAs by application of herbicide in narrow bands alongside the planted trees instead of broadcast spraying, which limits damage of herbaceous vegetation.

Most of the 59,380 acres (24,030 ha) of timberlands surrounding the CMAs of the Bienville population are managed with intensive silvicultural practices that typically preclude continual, robust herbaceous vegetation growth. Reichling

et al. (2008, p. 10) did not believe that isolated management areas that were 800 to 1,000 ac (324 to 405 ha) or less in size were sufficient to support viable Louisiana pinesnake populations and therefore concluded the snakes in the Kepler Lake CMA were likely dependent upon the surrounding habitat. Consequently, Reichling et al. (2008, p. 10) felt that it was essential to the conservation of the species to restore and preserve the thousands of hectares of privately owned, upland, xeric habitat that surround the Kepler Lake CMA.

The 5,057.8–ac (2,046.8–ha) Scrappin' Valley EOHA is located at least partially within 11,000 acres (4,452 ha) of privately owned forested land referred to as Scrappin' Valley. That area was managed for game animals for decades (Reid 2016, pers. comm.), and one section (approximately 600 ac (243 ha)) was managed specifically for quail.

Prescribed burning was applied only to the 600–ac (243–ha) quail area annually and to another 1,500 ac (607 ha) at less frequent intervals. The remainder of the property was not beneficially managed for Louisiana pinesnake habitat. In 2012, the property was subdivided and sold as three separate properties of 1,900, 1,500, and 7,700 acres (769, 607, and 3,116 ha), respectively.

On the 1,900–ac (769-ha) property from 2013 to spring 2016, hundreds of acres (some acres burned multiple times) of longleaf-dominated pine forest occupied by the red-cockaded woodpecker or near red-cockaded woodpecker clusters were prescribed-burned each year; hardwood removal was conducted on 300 ac (121 ha); thinning by removal of loblolly and slash pine trees was conducted throughout the entire property; and 105 ac (42 ha) of longleaf pine restoration (removal of existing trees and planted with long leaf pine) was completed. The landowner is also currently working with The Nature Conservancy toward a perpetual conservation easement on 2,105 ac (852 ha) to protect habitat for the red-cockaded woodpecker and the Louisiana pinesnake.

On the 1,500–ac (607–ha) property in 2015, approximately 250 ac (101 ha) of loblolly pine with dense understory vegetation was harvested, and 200 ac (81 ha) of the area was planted with longleaf pine. The landowner voluntarily agreed to manage the area to promote longleaf pine forest over a 10-year period through a Partners for Fish and Wildlife Program agreement with the Service.

On the 7,700–ac (3,116–ha) property, most of the forest was not burned, so there is a dense midstory. Several hundred acres are composed of young loblolly pine plantation. In 2014, approximately 400 ac (162 ha) were harvested, and in 2015, approximately 205 ac (83 ha) of longleaf pine were planted. The landowner voluntarily agreed to manage the area to promote longleaf pine forest over a 10-year period through a Partners for Fish and Wildlife Program agreement with the Service. Additionally, approximately 1,000 ac of this property are prescribed burned annually.

Overall, less than 50 percent of the Scrappin' Valley EOHA is being managed beneficially for the Louisiana pinesnake, but more than 50 percent of the area is covered under safe harbor agreements for the red-cockaded woodpecker, which require forest management that is generally beneficial to the Louisiana pinesnake.

Longleaf pine forest improvement and restoration efforts are also currently occurring within the historical range of the Louisiana pinesnake on smaller private properties, especially through programs administered by natural resource agencies such as NRCS and nonprofit organizations such as The Nature Conservancy (TNC). NRCS has provided assistance with thousands of acres of forest thinning, longleaf pine planting, and prescribed burning (Chevallier 2016, pers. comm.). However, the extent of overlap of increases in longleaf pine acreage, due to this program, with occupied or potential Louisiana pinesnake habitat (*i.e.,* preferable or suitable soils) is unknown because the specific locations of the projects within the area serviced are private and unavailable to the Service. TNC owns 1,551 ac (628 ha) of land within the Vernon Unit of KNF that is managed for the red-cockaded woodpecker and the Louisiana pinesnake (Jacob 2016, pers. comm.).

The Service and LDWF have developed a programmatic candidate conservation agreement with assurances (CCAA) for the Louisiana pinesnake. A CCAA is intended to facilitate the conservation of candidate species by giving non-Federal property owners (enrollees) incentives to implement conservation measures. The incentive to a property owner provided through a CCAA is that the Service will impose no further land-, water-, or resource-use restrictions beyond those agreed to in the CCAA should the species later become listed under the Act. If the species does become listed, the property owner is authorized to take the covered species as long as the level of take is consistent with the level identified and agreed upon in the CCAA. The CCAA policy considers that all CCAAs will provide benefits to covered species through implementation of voluntary conservation measures that are agreed to and implemented by property owners.

The Louisiana pinesnake programmatic CCAA is intended to establish a framework for participation of the Service and LDWF, and enrollees, through specific actions for the protection, conservation, management, and improvement of the status of the Louisiana pinesnake. Initiation of this CCAA will further the conservation of the Louisiana pinesnake on private lands by protecting known populations and additional potential habitat by reducing threats to the species' habitat and survival, restoring degraded potential habitat on preferred and suitable soils, and potentially reintroducing captive-bred snakes to select areas of the restored habitat.

Additional research and survey efforts related to the Louisiana pinesnake are funded by the Texas Comptroller's office and being underway by Texas A&M University; results are expected to provide additional information on the species' habitat requirements in Texas, which may contribute to future conservation efforts. Surveyors are expected to access suitable habitat on private lands that have previously been unavailable.

In summary, forest management beneficial to the Louisiana pinesnake has occurred across significant portions of most Louisiana pinesnake EOHAs. The significant increases in the acreages of burning and thinning conducted have improved habitat conditions on many Federal lands that support Louisiana pinesnake populations (Rudolph 2008b, pers. comm.) and reduced the threat of habitat loss in those areas. On private land, there has also been habitat restoration and beneficial management, on generally a smaller scale than on Federal lands. The Bienville population, which appears to be the most abundant, has only about 1,700 ac (688 ha) of habitat currently managed specifically for the Louisiana pinesnake, and the home range of one Louisiana pinesnake can be as much as 267 ac (108 ha).

Trap success within Louisiana pinesnake populations has not increased over time (Rudolph et al. 2015, p. 33; Pierce 2015, unpub. data) that would imply an increase in abundance. As just discussed, extensive habitat restoration efforts have occurred on Federal lands where the Louisiana pinesnake occurs. Although the threat of habitat loss has been reduced on much of these lands, none of the populations have shown an observable response to forest management conservation

activities. The species also has a low reproductive rate, so recruitment to the population may not be detected for several years. However, it is also possible that some potential increases in snake abundance may not be captured where newly created suitable habitat may not be in close proximity to the current trap locations.

Summary of Factor A

In summary, the loss and degradation of habitat was a significant historical threat, and remains a current threat, to the Louisiana pinesnake. The historical loss of habitat within the longleaf pine ecosystem occupied by Louisiana pinesnakes occurred primarily due to timber harvest and subsequent conversion of pine forests to agriculture, residential development, and managed pine plantations with only intermittent periods of open canopy. This loss of habitat has slowed considerably in recent years, in part due to efforts to restore the longleaf pine ecosystem in the Southeast. In areas occupied by the Louisiana pinesnake on USFS and U.S. Army lands, mixed-pine forests (*e.g.* longleaf, loblolly, slash, and minor amounts of scattered shortleaf) are managed beneficially for the species through thinning, and through prescribed burning of thousands of acres of forests every year. However, habitat loss is continuing today on private land due to incompatible forestry practices, conversion to agriculture, and urbanization, which result in increasing habitat fragmentation (see discussion under Factor E: Other Natural or Manmade Factors Affecting Its Continued Existence). While the use of prescribed fire for habitat management and more compatible site preparation has seen increased emphasis in recent years, expanded urbanization, fragmentation, and regulatory constraints will continue to restrict the use of fire and cause further habitat degradation (Wear and Greis 2013, p. 509).

Extensive conservation efforts are being implemented that are restoring and maintaining Louisiana pinesnake habitat for the Fort Polk/Vernon, Peason Ridge, Kisatchie, and Angelina populations. Those populations are not threatened by continuing habitat loss. Portions of occupied habitat of the Scrappin' Valley (approximately 50 percent) and Bienville populations (about 2.8 percent) of the Louisiana pinesnake are also currently being managed beneficially through voluntary agreements. However, future conservation on private lands, which can change ownership and management practices, is uncertain, and the remaining land in the EOHAs with suitable or preferable soils is generally unsuitable habitat because of the current vegetation structure.

Although the threat of habitat loss has been reduced in much of the Louisiana pinesnake's occupied habitat overall, the likely most abundant population has relatively little beneficially managed land, and none of the populations has yet shown a definitive response to forest management conservation activities.

Factor B: Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Ongoing take of Louisiana pinesnakes in Louisiana for commercial, recreational, scientific, or educational purposes has not been previously considered a threat (Boundy 2008, pers. comm.). Removal from wild populations for scientific purposes is not expected to increase significantly in the future. Any potential overutilization would be almost exclusively to meet the demand from recreational snake enthusiasts. According to a 2009 report of the United Nations Environment Program—World Conservation Monitoring Centre (UNEP—WCMC 2009, p. 17), captive-bred Louisiana pinesnakes were advertised for sale on four German websites, and two U.S. breeders were listed on another website. However, current levels of Louisiana pinesnake collection to support the commercial captive-bred snake market have not been quantified. There appears to be very little demand for this species by private collectors (Reichling 2008, pers. comm.; Vandeventer 2016, pers. comm.); however, there are at least a few Louisiana pinesnake breeders, and the snakes were still featured in advertisements recently for several hundred dollars for one adult (Castellanos 2016, pers. obs.). Given the restricted distribution, presumed low population sizes, and low reproductive potential of Louisiana pinesnakes, even moderate collecting pressure would negatively affect extant populations of this species. In long-lived snake species exhibiting low fecundity, the sustained removal of adults from isolated populations can eventually lead to extirpation (Webb et al. 2002, p. 64).

Non-permitted collection of the Louisiana pinesnake is prohibited by State law in Texas and Louisiana (see Factor D below), and most areas in Louisiana where extant Louisiana pinesnake populations occur restrict public access or prohibit collection. In addition, general public collection of the Louisiana pinesnake would be difficult (Gregory 2008, pers. comm.) due to the species' secretive nature, semi-fossorial habits, and current rarity.

Previously in Texas, TPWD has allowed captured Louisiana pinesnakes to be removed from the wild by permitted scientific researchers to help supplement the low representation of snakes from Texas populations in the AZA-managed captive-breeding program. Currently, LDWF does not permit the removal from the wild of any wild- caught Louisiana pinesnakes to add founders to the AZA-managed captive-breeding program.

Although concern has been expressed that Federal listing may increase the demand for wild-caught animals (McNabb 2014, in litt.), based on the best available information, we have no evidence that overutilization for commercial, recreational, scientific, or educational purposes is currently a threat to the Louisiana pinesnake.

Factor C: Disease or Predation

Like many other animals, the Louisiana pinesnake is very likely impacted by native predators, and potentially by introduced predators.

Known natural wild predators of pinesnakes include mammals such as shrews, raccoons, skunks, and red foxes (Ernst and Ernst 2003, p. 284; Yager et al. 2006, p. 34). All of these species are common in the range of the Louisiana pinesnake. Several of these mammalian predators may be anthropogenically enhanced; that is, their numbers often increase with human development adjacent to natural areas (Fischer et al. 2012, pp. 810–811). Birds, especially hawks, also prey on pinesnakes (Ernst and Ernst 2003, p. 284; Yager et al. 2006, p. 34). One Louisiana pinesnake was described as being ''in combat with hawk,'' presumably the result of a predation attempt by the bird (Young and Vandeventer 1988, p. 204; Pierce 2015, unpub. data). Some snake species prey on other snakes, including pinesnakes. The scarlet snake (*Cemophora coccinea*) preys on northern pinesnake eggs (Burger et al. 1992, p. 260). This species is found within the range of the Louisiana pinesnake. An eastern coachwhip (*Masticophis flagellum flagellum*), which is an abundant species in the Louisiana pinesnake's range, was observed attempting to predate a juvenile northern pinesnake in North Carolina (Beane 2014, p. 143). Speckled kingsnakes (*Lampropeltis getula holbrooki*) prey on pinesnakes (Ernst and Ernst 2003, p. 279), and one caught in a trap set for the Louisiana pinesnake was observed to have recently consumed another snake (Gregory 2015, pers. comm.).

Pinesnakes also suffer from attacks by domesticated mammals, including dogs and cats (Ernst and Ernst 2003, p. 284). Lyman et al. (2007, p. 39) reported an attack on a black pinesnake by a stray domestic dog, which resulted in the snake's death.

Invasive feral hogs inhabit some Louisiana pinesnake EOHAs (Gregory 2016, pers. comm.), including the Catahoula Reintroduction Feasibility EOHA (Nolde 2016, pers. comm.), and are known to prey upon vertebrate animals, including snakes (Wood and Roark 1980, p. 508). They will also consume eggs of ground-nesting birds (Henry 1969, p. 170; Timmons et al. 2011, pp. 1–2) and reptiles (Elsey et al. 2012, pp. 210–213); however, there is no direct evidence that feral hogs prey on Louisiana pinesnakes or their eggs. Therefore, at this time, feral hogs are not known to be a threat to the Louisiana pinesnake. The Service and USFS are currently engaged in feral hog population control throughout Louisiana and Texas.

Red imported fire ants (*Solenopsis invicta*), an invasive species, have been implicated in trap mortalities of black pinesnakes during field studies (Baxley 2007, p. 17). Red imported fire ants also occur in areas occupied by Louisiana pinesnakes and are potential predators of Louisiana pinesnake eggs and hatchlings (Parris et al. 2002, p. 514; Beane 2014, p. 142); they have also been documented predating snake eggs under experimental conditions (Diffie et al. 2010, p. 294).

There are no documented occurrences of successful predation (excessive or otherwise) specifically on Louisiana pinesnakes, predation on pinesnakes has been documented (Burger et al. 1992, entire; Baxley 2007, p. 17; Ernst and Ernst 2003, p. 284; Ernst and Ernst 2003, p. 284; Yager et al. 2006, p. 34).

Malicious killing of snakes by humans is a significant issue in snake conservation because snakes arouse fear and resentment from the general public (Bonnet et al. 1999, p. 40). Intentional killing of black pinesnakes by humans has been documented (Duran 1998, p. 34; Lyman et al. 2008, p. 34). The intentional killing of Louisiana pinesnakes by humans is not unlikely, but because of the species' relatively low abundance and secretive nature, it likely happens very infrequently and, therefore, is not considered a threat at this time.

Snake fungal disease (SFD) is an emerging disease in certain populations of wild snakes. It has been linked to morbidity and mortality for other species (Allender et al. 2011, p. 2383; Rajeev et al. 2009, p. 1264 and 1268; McBride et al. 2015, p. 89), including one juvenile broad-banded watersnake (Nerodia fasciata confluens [Blanchard]) in Louisiana (Glorioso et al. 2016, p. N5). As of November 2017, the causative fungus (Ophidiomyces ophiodiicola [OO]) (Lorch et al. 2015, p. 5; Allender et al. 2015, p. 6) has been found on at least five Louisiana pinesnakes from the Bienville and Fort Polk populations since 2015, and evidence of disease has been documented in at least three individuals. Symptoms of SFD (*e.g.,* skin lesions) were found on a Louisiana pinesnake from the Bienville population in 2015, and OO was positively identified (Lorch et al., 2016). Another individual from Bienville that also tested positive for OO had necrotic tissue but it had been involved in a presumed agonistic confrontation with a weasel while entrapped; therefore, the cause of the injury was not determinable. Two individuals from the Fort Polk population were found in a diseased state. Their symptoms included: low body weight, anemia, dehydration, skin lesions and systemic inflammation, and their survival in the wild was doubtful (Sperry 2017, pers. comm.). Both were treated with anti-fungal medication by a veterinarian and eventually recovered. A disease with symptoms consistent with SFD is suspected of contributing to as many as 20 mortalities in a small, isolated population of timber rattlesnakes (*Crotalus horridus*) (Clark et al. 2011, p. 888). We are currently unaware of any population-level negative impacts on the Louisiana pinesnake. We know of no other diseases that are affecting the species. Because the causative fungus of SFD has been found in two Louisiana pinesnake populations, SFD has caused severe negative impacts to at least two individuals, and SFD has caused morbidity and mortality in several other snake species, the Service has concluded that disease (SFD) is now considered a potential threat to the Louisiana pinesnake.

Factor D: The Inadequacy of Existing Regulatory Mechanisms

In Texas, the Louisiana pinesnake is listed as State threatened, and prohibited from unauthorized collection (31 Texas Administrative Code [TAC] sections 65.171–176). As of February 2013, unpermitted killing or removal of the Louisiana pinesnake from the wild is prohibited in Louisiana (Louisiana Administrative Code, title 76, part XV, Reptiles and Amphibians, chapter 1, section 101.J.3(f)). Collection or harassment of Louisiana pinesnake is also specifically prohibited on USFS properties in Louisiana (USDA Forest Service 2002, p. 1). The capture, removal, or killing of non-game wildlife from Fort Polk and Peason Ridge (DOD land) is prohibited without a special permit (U.S. Department of the Army 2008, p. 6; U.S. Department of the Army 2013, p. 51). USFS's land and resource management plans (KNF, ANF), the Army's integrated natural resources management plans (Fort Polk Main Post and Peason Ridge), and the Louisiana pinesnake CCA all require habitat management that is beneficial to the Louisiana pinesnake for the Kisatchie NF, Angelina NF, Fort Polk/Vernon, and Peason Ridge populations (see ''Conservation Efforts to Reduce Habitat Destruction, Modification, or Curtailment of Its Range,'' above). The Service has never been informed of any difficulties in the implementation or enforcement of the existing regulatory mechanisms that protect Louisiana pinesnakes by TPWD, LDWF, or Federal land managers, and no occurrences of noncompliance, including killing of snakes, have been reported to us (see Factor E discussion, below).

Its habitat requirements being similar to that of the red-cockaded woodpecker, the Louisiana pinesnake receives indirect protection of its habitat via the protections of the Act provided for the endangered red-cockaded woodpecker, where it co-occurs with the red-cockaded woodpecker on Federal lands.

These existing regulatory mechanisms provide no protection from the threat of Louisiana pinesnake habitat loss and degradation on privately owned lands. Private landowners within some occupied habitat of the Scrappin' Valley population have voluntarily committed to agreements with the Service to manage those areas with prescribed burning and to promote the longleaf pine ecosystem for 10 years.

In summary, although existing regulatory mechanisms appear to be adequate to prohibit direct harm to individual Louisiana pinesnakes across their entire range, and offer some protection to habitat on publicly owned land, they offer no protection to the already degraded, fragmented, and declining habitat that exists on private lands.

Factor E: Other Natural or Manmade Factors Affecting Its Continued Existence

The historical loss, degradation, and fragmentation of the longleaf pine ecosystem across the entire historical range of the Louisiana pinesnake have resulted in six natural extant Louisiana pinesnake populations that are isolated and small. Habitat fragmentation and degradation on lands in between extant

populations (Rudolph et al. 2006, p. 470) have likely reduced the potential for successful dispersal among remnant populations, as well as the potential for natural recolonization of vacant or extirpated habitat patches.

Those Louisiana pinesnake populations are already small, which could potentially reduce the positive fitness effect of having greater numbers or density of conspecifics (also known as the Allee principle or effect). One mechanism for Allee effects is thought to be the greater ability to locate mates. For the Louisiana pinesnake, it is the lack of Allee effects that could be negatively affecting this species and preventing the observance of positive effects of beneficial forest management.

Small, isolated populations resulting from habitat fragmentation are vulnerable to the threats of decreased demographic viability, increased susceptibility of extirpation from stochastic environmental factors (*e.g.,* extreme weather events, epidemic disease), and the potential loss of valuable genetic resources resulting from genetic isolation with subsequent genetic drift, decreases in heterozygosity, and potentially inbreeding depression (Lacy 1987, p. 147). Wild populations of the Louisiana pinesnake had lower heterozygosity and higher inbreeding than what is expected from a randomly breeding population (Kwiatkowski et al. 2014, pp. 15–18). Low genetic diversity in small, isolated populations has been associated with negative effects on reproduction in snakes (Madsen 1996, p. 116). Recovery of a Louisiana pinesnake population from the existing individuals within the population following a decline is also uncertain because of the species' low reproductive rate (smallest clutch size of any North American colubrid snake) (Reichling 1990, p. 221). Additionally, it is extremely unlikely that habitat corridors linking extant populations will be secured and restored; therefore, the loss of any extant population will be permanent without future reintroduction and successful recruitment of captive-bred individuals.

Roads surrounding and traversing the remaining Louisiana pinesnake habitat pose a direct threat to the species. Population viability analyses have shown that extinction probabilities for some snake species may increase due to road mortality (Row et al. 2007, p. 117). Adult eastern indigo snakes *(Drymarchon corais couperi)* have relatively high survival in conservation core areas, but greatly reduced survival in edges of these areas along highways and in suburbs (Breininger et al. 2012, p. 361). In a Texas snake study, an observed deficit of snake captures in traps near roads suggests that a substantial proportion of the total number of snakes may have been eliminated due to road-related mortality (Rudolph et al. 1999, p. 130). That study found that populations of large snakes may be depressed by 50 percent or more due to proximity to roads, and measurable impacts may extend up to approximately 0.5 mi (850 m) from roads.

During a radio-telemetry study in Louisiana and Texas, 3 of the 15 (20 percent) Louisiana pinesnake deaths documented could be attributed to vehicle mortality (Himes et al. 2002, p. 686). Approximately 16 percent (37 of 235) of all documented Louisiana pinesnake occurrences were on roads, and about half of those were dead individuals (Pierce 2015, unpub. data). During Duran's (1998, pp. 6, 34) study on Camp Shelby, Mississippi, 17 percent of the black pinesnakes with transmitters were killed while attempting to cross a road. In a larger study currently being conducted on Camp Shelby, 14 (38 percent) of the 37 pinesnakes found on the road between 2004 to 2012 were found dead, and these 14 individuals represent about 13 percent of all the pinesnakes found on Camp Shelby during that 8-year span (Lyman et al. 2012, p. 42). In Louisiana and Texas, areas with relatively large areas of protected suitable habitat and controlled access such as Fort Polk, KNF, and ANF, have several roads located within Louisiana pinesnake occupied habitat, and there have been a total of eight known mortalities due to vehicles in those areas (Pierce 2015, unpub. data).

In addition, Dodd et al. (2004, p. 619) determined that roads fragment habitat for wildlife. Clark et al. (2010, pp. 1059–1069) studied the impacts of roads on population structure and connectivity in timber rattlesnakes *(Crotalus horridus).* They found that roads interrupted dispersal, which negatively affected genetic diversity and gene flow among populations of this large snake. Those effects were likely due to road mortality and avoidance of roads (Clark et al. 2010, pp. 1059, 1067).

On many construction project sites, erosion control blankets are used to lessen impacts from weathering, secure newly modified surfaces, and maintain water quality and ecosystem health. However, the commonly used polypropylene mesh netting (also often utilized for bird exclusion) has been documented as being an entanglement hazard for many snake species, causing lacerations and sometimes mortality (Stuart et al. 2001, pp. 162–163; Barton and Kinkead 2005, p. 34A; Kapfer and Paloski 2011, p. 1; Zappalorti 2016, p. 19). This netting often takes years to decompose, creating a long-term hazard to snakes, even when the material has been discarded (Stuart et al. 2001, p. 163). Although no known instance of injury or death from this netting has been documented for Louisiana pinesnakes, it has been demonstrated to have negative impacts on other terrestrial snake species of all sizes and thus poses a potential threat to the Louisiana pinesnake when used in its habitat.

Exotic plant species degrade habitat for wildlife, and in the Southeast, longleaf pine forest associations are susceptible to invasion by the exotic cogongrass *(Imperata cylindrica).* Cogongrass may rapidly encroach into areas undergoing habitat restoration and is very difficult to eradicate once it has become established, requiring aggressive control with herbicides (Yager et al. 2010, pp. 229–230). Cogongrass displaces native grasses, greatly reducing foraging areas for some animals, and forms thick mats that restrict movement of ground-dwelling wildlife; it also burns at high temperatures that can kill or injure native seedlings and mature trees (DeBerry and Pashley 2008, p. 74; Alabama Cooperative Extension System 2005, p. 1). Its value as forage for pocket gophers is not known. Currently, cogongrass is limited to only a few locations in Louisiana and Texas and is not considered a threat to the Louisiana pinesnake. However, cogongrass has significantly invaded States to the east of Louisiana, such as Alabama and Mississippi (Alabama Cooperative Extension System 2005, p. 1–4; USDA NRCS Plant Database 2016, p. 2), where it occurs in pine forests on Camp Shelby (Yager et al. 2005, p. 23) potentially impacting the habitat of black pinesnakes found there.

The effects of climate change are predicted to have profound impacts on humans and wildlife in nearly every part of the world (International Panel on Climate Change [IPCC] 2014, p. 6). One downscaled projection for future precipitation change within the historical range of the Louisiana pinesnake varies between increasing and decreasing, but the average change is between 0.1 in (0.254 cm) drier and 1.1 in (2.8 cm) drier from 2020 to 2039 (Pinemap 2016, entire). Precipitation is projected to decrease for the 20 years following 2039. Additionally, the average summer temperature in the species' historical range is expected to increase by 2.7–3.5 degrees Fahrenheit (Pinemap 2016, entire). Increasing

temperature and decreasing precipitation could potentially affect the pine forest habitat of the Louisiana pinesnake due to drought stress on trees, and the snake itself may be susceptible to injury from higher temperatures or from decreased water availability. However, we are not aware of any information that would substantiate those effects or how the Louisiana pinesnake might adapt to those potential environmental stressors.

Effects of native phytophagous (plant-eating) insect species on Louisiana pinesnake habitat may increase due to the effects of climate change. In a study that modeled the effects of the southern pine beetle *(Dendroctonus frontalis)* related to environmental variables, southern pine beetle outbreak risk and subsequent damage to southern pine forests were substantially increased when considered for four separate climate change scenarios (Gan 2004, p. 68). In the openings left in the beetle-damaged pine forests, hardwoods may become the canopy dominants, and invasive vegetation may be more likely to colonize (Waldrop 2010, p. 4; Coleman et al. 2008, pp. 1409–1410), both of which can decrease the amount of herbaceous vegetation that the Louisiana pinesnake's primary prey (Baird's pocket gopher) depends upon for food. However, the threat of future increased risk of southern pine beetle infestation since Gan (2004, p. 68) has so far not been realized in the southeast generally or in Louisiana and Texas specifically (Asaro et al. 2017, p. 341, 343). In fact, the annual number of counties in southern pine beetle outbreak status has actually decreased in Louisiana and Texas since a recent peak around 1986 (Asaro et al. 2017, p. 341–347).

We consider the effects of increased temperatures, decreased precipitation, and increased insect impacts on the Louisiana pinesnake and its habitat due to climate change to be a potential threat in the future; however, because of the uncertainty of the rate, scale, and location of impacts due to climate effects, climate change is not currently considered a threat to the species.

Conservation Efforts To Reduce Threats Under Factor E

Efforts to reduce Factor E threats would have to address increasing the resiliency of individual populations by increasing abundance and decreasing mortality, or preferably both. Currently, efforts are underway to reduce at least some types of mortality and to study the potential of increasing the number of wild Louisiana pinesnakes via introduction of captive-bred individuals.

As discussed above under Population Estimates and Status, efforts to reintroduce Louisiana pinesnakes have been conducted only at the KNF Catahoula District site. So far, there have been no attempts to augment existing populations of Louisiana pinesnakes with captive-bred individuals. While reintroduction as a conservation tool is not universally accepted as effective for all animals, and the results of current reintroduction pilot efforts remain uncertain, the number (91) of captive-bred Louisiana pinesnakes released into the wild since 2010 demonstrates that captive-propagation efforts can be successful, and provides the opportunity for reintroduction and augmentation to benefit the conservation of the species. Reintroduction, with improved success, done in multiple populations where appropriate habitat is available, has the potential to eventually increase the number of individuals and populations, increase genetic heterozygosity, and alleviate presumed inbreeding depression in the populations, making them more resistant to threats described for Factor E.

As outlined in the CCA, the U.S. Army has committed to avoiding the use of erosion-control blankets, and USFS is committed to trying to locate ATV routes outside of the boundaries of Louisiana pinesnake occupied habitat. Additionally, some improved roads on National Forests are also closed to the public during certain times of the year (*e.g.,* September to February at ANF [U.S. Forest Service 2015, entire]), which should reduce the number of pinesnakes potentially killed by vehicle traffic during those times.

In summary, a variety of natural or manmade factors, alone and in combination with other factors, currently threaten the Louisiana pinesnake. Fire suppression has been considered a primary reason for continuing degradation of the pine forests in Louisiana and Texas. Roads and rights-of-way, and fragmented habitat, isolate populations beyond the dispersal range of the species. Mortality caused by vehicle strikes is a threat because there are many roads bisecting Louisiana pinesnake habitat, and the remaining populations appear to be small and declining. The species' small clutch size may limit its ability to effectively counteract mortality. Other potential threats to Louisiana pinesnakes include SFD, erosion-control blankets, insect and invasive vegetation effects on habitat, and malicious killing by humans. Overall, the threats under Factor E may act together and in combination with threats listed above under Factors A through D and increase their severity.

For additional information related to the summary of factors affecting the species, please refer to the Summary of Factors Affecting the Species section in the October 6, 2016, proposed rule for additional discussion of the factors affecting the Louisiana pinesnake (see **ADDRESSES**).

Determination

Section 4 of the Act (16 U.S.C. 1533), and its implementing regulations in title 50 of the Code of Federal Regulations at 50 CFR part 424, set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. Under section 4(a)(1) of the Act, we may list a species based on (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the Louisiana pinesnake. Threats to the six known remaining Louisiana pinesnake populations exist primarily from: (1) Historical and continuing habitat loss and fragmentation (Factor A) primarily through land-use changes or degradation caused by fire suppression; and (2) synergistic effects from mortality caused by vehicle strikes and by predators acting on vulnerable, reduced populations (Factor E and Factor C). We did not find that the Louisiana pinesnake was impacted by overutilization (Factor B). While there are regulatory mechanisms in place that may benefit the Louisiana pinesnake, the existing regulatory mechanisms did not reduce the impact of the stressors to the point that the species is not in danger of extinction (Factor D).

Portions of habitat occupied by two Louisiana pinesnake populations on private land are currently being managed beneficially for the species (some through formal agreements with the Service), and conservation efforts on Federal lands, such as KNF and ANF, and U.S. Army lands at Fort Polk and Peason Ridge through a CCA in existence since 2003, have been extensive and successful in restoring suitable Louisiana pinesnake habitat. However, the lack of a definitive positive response by the species'

populations indicates that habitat restoration may take longer than expected to increase snake abundance, especially when they are subjected to negative effects associated with small populations of animals (*i.e.,* reduced heterozygosity, inbreeding depression) and mortality pressure from vehicles and predators.

A captive-breeding population of Louisiana pinesnakes is being managed under an SSP and has provided 91 captive-bred Louisiana pinesnakes for release into the wild at the Catahoula Ranger District of the KNF (see Conservation Efforts above). This reintroduction feasibility effort has shown that at least one of the 91 captive-bred Louisiana pinesnakes has survived for at least 4 years after release in suitable, beneficially managed habitat.

The Act defines an endangered species as any species that is ''in danger of extinction throughout all or a significant portion of its range'' and a threatened species as any species ''that is likely to become endangered throughout all or a significant portion of its range within the foreseeable future.'' We find that the Louisiana pinesnake meets the definition of a threatened species based on the severity and immediacy of threats currently impacting all populations of the species throughout all of its range. The species' overall range has been significantly reduced, populations have apparently been extirpated, and the remaining habitat (on private lands) and populations are threatened by factors acting in combination to reduce the overall viability of the species.

We find that the Louisiana pinesnake does not meet the definition of an endangered species. There are currently multiple known extant populations within the species' range. There are currently extensive habitat restoration and management efforts to benefit the species ongoing within occupied areas currently being managed by the USFS and U.S. Army, as well as similar efforts ongoing (albeit generally smaller and to a lesser extent) within occupied areas currently being managed on private lands; and reintroduction of captive-bred animals into the wild, which has shown some limited success (see Catahoula Reintroduction Feasibility EOHA, above).

Extensive habitat restoration efforts have occurred on USFS and U.S. Army lands where the species occurs, and those populations are no longer threatened by continuing habitat loss. While it is difficult to show an increase in population size with a species that is so difficult to detect, it is reasonable to assume that these populations will benefit from improved habitat management over time.

The Louisiana pinesnake captive-breeding population provides some capability for population augmentation or re-establishing populations in areas with suitable habitat, while maintaining an assurance colony for wild Louisiana pinesnake populations through the SSP. The multiple current populations combined with habitat management and restoration as well as captive-breeding decrease the current risk of extinction to the species. The Louisiana pinesnake is not in danger of extinction now, but we expect that into the future threats will continue to impact the species such that the species is likely to become endangered in the foreseeable future.

The ''foreseeable future'' extends only so far as the Services can reasonably rely on predictions about the future in making determinations about the future conservation status of the species. Those predictions can be in the form of extrapolation of population or threat trends, analysis of how threats will affect the status of the species, or assessment of future events that will have a significant new impact on the species. The foreseeable future described here uses the best available scientific data and takes into account considerations such as the species' life history characteristics, threat projection time frames, and environmental variability such as typical forest harvest rotation, forest and natural resource management plans, and current conservation efforts, which may affect the reliability of projections. We also considered the time frames applicable to the relevant threats and to the species' likely responses to those threats in view of its life history characteristics. The foreseeable future for a particular status determination extends only so far as predictions about the future are reliable.

In cases where the available data allow for quantitative modelling or projections, the time horizon for such analyses does not necessarily dictate what constitutes the ''foreseeable future'' or set the specific threshold for determining when a species may be in danger of extinction. Rather, the foreseeable future can only extend as far as the Service can reasonably explain reliance on the available data to formulate a reliable prediction and avoid reliance on assumption, speculation, or preconception. Regardless of the type of data available underlying the Service's analysis, the key to any analysis is a clear articulation of the facts, the rationale, and conclusions regarding foreseeability.

Based on a review of the biology of the species, the threats acting on it, and its population trends, the foreseeable future used in this determination is approximately 30 to 40 years. This timeframe encompasses 3 to 4 generations of the Louisiana pinesnake and is a time period where we can reliably detect population and species level responses to threats and conservation actions acting on the snake. Any predictions of threats acting on the species beyond 30 to 40 years into the future, would be speculative and beyond the foreseeable future for the species.

We rely on the experience of 26 years of trapping data for the species, activities that threaten its continued viability, as well as conservation actions intended to benefit the snake. During that timeframe, trap success has been relatively lower for the populations in Texas compared to those in Louisiana. Within the Scrappin' Valley EOHA, there have been no trap captures or other occurrences since 2009, and within the Angelina EOHA, the most recent unique individual trap capture was in 2007, however, a previously captured snake was recaptured in 2012. During that same time period, within Louisiana, the two populations within the Bienville and Fort Polk EOHAs have shown relatively consistent captures over time including captures in 2017. The last snake captured within the Kisatchie EOHA was in 2007, and within the Peason Ridge EOHA, six occurrence records exist between 2003 and 2013, with the last in 2013. Based on the available data, it appears that the Texas populations and the Kisatchie population in Louisiana will likely become unoccupied in 7 years or less, unless occurrences are documented in those areas before then.

In addition, open-canopy forest fragmentation and modification, due to conversion to other forest (closed canopy plantations) or non-forest land uses, or due to the lack of active management (*e.g.,* prescribed fire, thinning, mid- and understory woody vegetation control) to maintain healthy open forest conditions, is the driving threat moving into the foreseeable future. Typical working forest rotation in the range of the species ranges between 20 to 30 years. There are currently extensive habitat restoration and management efforts to benefit the species ongoing within occupied areas currently being managed by the USFS and U.S. Army, and current USFS land and resource management plans as well as integrated natural resources management plans implemented by Fort Polk range between 5 to 15 years.

Similar efforts are also ongoing (albeit generally smaller and to a lesser extent) within occupied areas currently being managed on private lands; several relatively small areas are being managed under voluntary agreements (minimum of 10 years) with the Service through the Partners for Fish and Wildlife program, or through safe harbor agreements (maximum of 99 years) managed by the States for the red-cockaded woodpecker (which generally provide suitable habitat conditions). In addition, in 2017, the Service developed a conference opinion for NRCS's Working Lands for Wildlife program for the Louisiana pinesnake. This conference opinion is valid for 30 years.

The Louisiana pinesnake is likely to become endangered in the foreseeable future because the remaining populations are small, isolated, subject to ongoing natural and unnatural mortality pressure, and to date have not shown an observable, positive response to habitat restoration. The species currently has almost no potential for natural recolonization between populations, and multiple significantly affected populations may be unable to recover even with the restoration of appropriate habitat. Half (three) of the known natural extant populations (*i.e.,* Kisatchie, Scrappin' Valley, and Angelina EOHAs) have had no captures in several years and it is likely that their EOHAs will be considered unoccupied in 7 years or less based on our EOHA determination criteria, unless occurrences are documented in those areas before then.

Future conservation of the two extant populations on private lands, which can change ownership and management practice, is uncertain. Portions of the occupied habitat on these private lands are being managed beneficially for Louisiana pinesnake, but there is no permanent commitment from the current landowners to continue such efforts; the other portions with suitable or preferable soils are generally unsuitable habitat because of the current vegetation structure. The Scrappin' Valley population EOHA is at risk of being considered unoccupied, as discussed immediately above. The Bienville population is one of the two populations believed to be the largest; should the ownership of those lands change or the commitment to current habitat management efforts on lands supporting the population cease, it is likely that this population would decline and could become extirpated within the foreseeable future.

Under the Act and our implementing regulations, a species may warrant listing if it is endangered or threatened throughout all or a significant portion of its range. Because we have determined that the Louisiana pinesnake is threatened throughout all of its range, no portion of its range can be ''significant'' for purposes of the definitions of ''endangered species'' and ''threatened species.'' See the Final Policy on Interpretation of the Phrase ''Significant Portion of Its Range'' in the Endangered Species Act's Definitions of ''Endangered Species'' and ''Threatened Species'' (79 FR 37578, July 1, 2014).

Critical Habitat

Section 3(5)(A) of the Act defines critical habitat as: (i) The specific areas within the geographical area occupied by the species, at the time it is listed on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed upon a determination by the Secretary that such areas are essential for the conservation of the species.

Section 4(a)(3) of the Act and implementing regulations (50 CFR 424.12) require that we designate critical habitat at the time a species is determined to be an endangered or threatened species, to the maximum extent prudent and determinable. In the proposed listing rule (81 FR 69454, October 6, 2016), we determined that designation of critical habitat was prudent but not determinable because specific information needed to analyze the impacts of designation was lacking. We are still in the process of obtaining this information.

Available Conservation Measures

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

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

Recovery planning includes the development of a recovery outline within 30 days of when the species is listed and preparation of a draft and final recovery plan. The recovery outline guides the immediate implementation of urgent recovery actions and describes the process to be used to develop a recovery plan. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery plan identifies site-specific management actions that set a trigger for review of the five factors that control whether a species remains endangered or may be downlisted or delisted, and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) are often established to develop recovery plans. When completed, the recovery outline, draft recovery plan, and final recovery plan will be available on our website (*http://www.fws.gov/endangered*) or from our Louisiana Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

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

Following publication of this final listing rule, funding for recovery actions will be available from a variety of sources, including Federal budgets, State programs, and cost share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the States of Louisiana and Texas will be eligible for Federal funds to implement management actions that promote the protection or recovery of the Louisiana pinesnake. Information on our grant programs that are available to aid species recovery can be found at: *http://www.fws.gov/grants.*

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

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

Federal agency actions within the species' habitat that may require conference or consultation or both as described in the preceding paragraph include management and any other landscape-altering activities on Federal lands administered by the U.S. Forest Service and the U.S. Department of Defense.

Under section 4(d) of the Act, the Service has discretion to issue regulations that we find necessary and advisable to provide for the conservation of threatened wildlife. We may also prohibit by regulation with respect to threatened wildlife any act prohibited by section 9(a)(1) of the Act for endangered wildlife. For the Louisiana pinesnake, the Service is proposing a section 4(d) rule that is tailored to the specific threats and conservation needs of this species. The proposed rule may be found elsewhere in this issue of the **Federal Register** in Proposed Rules. We may issue permits to carry out otherwise prohibited activities involving threatened wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.32. With regard to threatened wildlife, a permit may be issued for the following purposes: For scientific purposes, to enhance the propagation or survival of the species, and for incidental take in connection with otherwise lawful activities. There are also certain statutory exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a final listing on proposed and ongoing activities within the range of a listed species. Based on the best available information, the following activities may potentially result in a violation of section 9 the Act; this list is not comprehensive:

(1) Unauthorized collecting, handling, possessing, selling, delivering, carrying, or transporting of the Louisiana pinesnake, including interstate transportation across State lines and import or export across international boundaries, except for properly documented antique specimens of these taxa at least 100 years old, as defined by section 10(h)(1) of the Act.

(2) Introduction of nonnative animal species that compete with or prey upon the Louisiana pinesnake.

(3) Introduction of invasive plant species that contribute to the degradation of the natural habitat of the Louisiana pinesnake.

(4) Unauthorized destruction or modification of occupied Louisiana pinesnake habitat that results in damage to or alteration of desirable herbaceous vegetation or the destruction of Baird's pocket gopher burrow systems used as refugia by the Louisiana pinesnake, or that impairs in other ways the species' essential behaviors such as breeding, feeding, or sheltering.

(5) Unauthorized use of insecticides and rodenticides that could impact small mammal prey populations, through either unintended or direct impacts within habitat occupied by Louisiana pinesnakes.

(6) Unauthorized actions that would result in the destruction of eggs or cause mortality or injury to hatchling, juvenile, or adult Louisiana pinesnakes.

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

Required Determinations

National Environmental Policy Act

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), need not be prepared in connection with listing a species as an endangered or threatened species under the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

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

References Cited

A complete list of references cited in this rulemaking is available on the internet at *http://www.regulations.gov* in Docket No. FWS–R4–ES–2016–0121 and upon request from the Louisiana Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this final rule are the staff members of the Louisiana Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

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

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

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

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

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
		REPTILES		
*	*	*	*	*
Pinesnake, Louisiana	*Pituophis ruthveni*	Wherever found	T	83 FR [insert **Federal Register** page where the document begins], April 6, 2018.
*	*	*	*	*

* * * * *

Dated: March 12, 2018.

James W. Kurth

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

[FR Doc. 2018–07107 Filed 4–5–18; 8:45 am]

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Part III

Environmental Protection Agency

40 CFR Part 63
National Emission Standards for Hazardous Air Pollutants: Wet-Formed Fiberglass Mat Production Residual Risk and Technology Review; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2004–0309; FRL–9975–99–OAR]

RIN 2060–AT47

National Emission Standards for Hazardous Air Pollutants: Wet-Formed Fiberglass Mat Production Residual Risk and Technology Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing amendments to the National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production to address the results of the residual risk and technology review (RTR) that the EPA is required to conduct in accordance with section 112 of the Clean Air Act (CAA). We found risks due to emissions of air toxics to be acceptable from this source category, determined that the current standards provide an ample margin of safety to protect public health, and identified no new cost-effective controls under the technology review to achieve further emissions reductions. Therefore, we are proposing no revisions to the numerical emission limits based on these analyses. However, the EPA is proposing to revise provisions pertaining to emissions during periods of startup, shutdown, and malfunction (SSM); add requirements for electronic submittal of performance test results; revise certain monitoring, recordkeeping, and reporting requirements; and make other miscellaneous technical and editorial changes. While the proposed amendments would not result in reductions in emissions of hazardous air pollutants (HAP), if finalized, they would result in improved compliance and implementation of the rule.

DATES:

Comments. Comments must be received on or before May 21, 2018. Under the Paperwork Reduction Act (PRA), comments on the information collection provisions are best assured of consideration if the Office of Management and Budget (OMB) receives a copy of your comments on or before May 7, 2018.

Public Hearing. If a public hearing is requested by April 11, 2018, then we will hold a public hearing on April 23, 2018 at the location described in the **ADDRESSES** section. The last day to pre-register in advance to speak at the public hearing will be April 19, 2018.

ADDRESSES: *Comments.* Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2004–0309, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. (See **SUPPLEMENTARY INFORMATION** for detail about how EPA treats submitted comments.) *Regulations.gov* is our preferred method of receiving comments. However, other submission methods are accepted. To ship or send mail via the United States Postal Service, use the following address: U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2004–0309, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460. Use the following Docket Center address if you are using express mail, commercial delivery, hand delivery or courier: EPA Docket Center, EPA William Jefferson Clinton (WJC) West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. Delivery verification signatures will be available only during regular business hours.

Public Hearing. If a public hearing is requested, it will be held at EPA Headquarters, EPA WJC East Building, 1201 Constitution Avenue NW, Washington, DC 20004. If a public hearing is requested, then we will provide details about the public hearing on our website at: *https://www.epa.gov/stationary-sources-air-pollution/wet-formed-fiberglass-mat-production-national-emission-standards.* The EPA does not intend to publish another document in the **Federal Register** announcing any updates on the request for a public hearing. Please contact Virginia Hunt at (919) 541–0832 or by email at *hunt.virginia@epa.gov* to request a public hearing, to register to speak at the public hearing, or to inquire as to whether a public hearing will be held. See **SUPPLEMENTARY INFORMATION** for instructions on registering and attending a public hearing.

FOR FURTHER INFORMATION CONTACT: For questions about this proposed action, contact Mary Johnson, Sector Policies and Programs Division (Mail Code D243–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–5025; fax number: (919) 541–4991; and email address: *johnson.mary@epa.gov* or Christian Fellner, Sector Policies and Programs Division (Mail Code D243–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–4003; fax number: (919) 541–4991; and email address: *fellner.christian@epa.gov.*

For specific information regarding the risk modeling methodology, contact Ted Palma, Health and Environmental Impacts Division (Mail Code C539–02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–5470; fax number: (919) 541–0840; and email address: *palma.ted@epa.gov.*

For information about the applicability of the national emissions standards for hazardous air pollutants (NESHAP) to a particular entity, contact Sara Ayres, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, USEPA Region 5 (Mail Code E–19J), 77 West Jackson Boulevard, Chicago, Illinois 60604; telephone number: (312) 353–6266; and email address: *ayres.sara@epa.gov.*

SUPPLEMENTARY INFORMATION:

Public hearing. The EPA will make every effort to accommodate all speakers who arrive and register. If a hearing is held at a U.S. government facility, individuals planning to attend should be prepared to show a current, valid state- or federal-approved picture identification to the security staff in order to gain access to the meeting room. An expired form of identification will not be permitted. Please note that the Real ID Act, passed by Congress in 2005, established new requirements for entering federal facilities. If your driver's license is issued by a noncompliant state, you must present an additional form of identification to enter a federal facility. Acceptable alternative forms of identification include: Federal employee badge, passports, enhanced driver's licenses, and military identification cards. Additional information on the Real ID Act is available at *https://www.dhs.gov/real-id-frequently-asked-questions.* In addition, you will need to obtain a property pass for any personal belongings you bring with you. Upon leaving the building, you will be required to return this property pass to the security desk. No large signs will be allowed in the building, cameras may only be used outside of the building and demonstrations will not be allowed on federal property for security reasons.

Docket. The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2004–0309. All documents in the docket are listed in the *Regulations.gov* index. Although

listed in the index, some information is not publicly available, *e.g.,* 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. Publicly available docket materials are available either electronically in *Regulations.gov* or in hard copy at the EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue 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 EPA Docket Center is (202) 566–1742.

Instructions. Direct your comments to Docket ID No. EPA–HQ–OAR–2004–0309. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. This type of information should be submitted by mail as discussed in section I.C of this preamble.

The EPA may publish any comment received to its public docket. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

The *http://www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/dockets.*

Preamble Acronyms and Abbreviations. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

AEGL acute exposure guideline level
AERMOD air dispersion model used by the HEM–3 model
ARMA Asphalt Roofing Manufacturers Association
ATSDR Agency for Toxic Substances and Disease Registry
BACT best available control technology
BBDR biologically based dose response
CAA Clean Air Act
CalEPA California EPA
CBI Confidential Business Information
CDX Central Data Exchange
CEDRI Compliance and Emissions Data Reporting Interface
CFR Code of Federal Regulations
CIIT Chemical Industry Institute of Toxicology
ECHO Enforcement and Compliance History Online
EPA Environmental Protection Agency
ERPG Emergency Response Planning Guideline
ERT Electronic Reporting Tool
HAP hazardous air pollutant(s)
HCl hydrochloric acid
HEM–3 Human Exposure Model, Version 1.1.0
HF hydrogen fluoride
HI hazard index
HQ hazard quotient
IBR incorporation by reference
ICR information collection request
IRIS Integrated Risk Information System
kg/Mg kilograms per megagram
km kilometer
LAER lowest achievable emission rate
lb/ton pounds per ton
MACT maximum achievable control technology
mg/m^3 milligrams per cubic meter
MIR maximum individual risk
NAICS North American Industry Classification System
NAS National Academy of Sciences
NATA National Air Toxics Assessment
NEI National Emissions Inventory
NESHAP national emission standards for hazardous air pollutants
NRDC Natural Resources Defense Council
NSR New Source Review
NTTAA National Technology Transfer and Advancement Act
OAQPS Office of Air Quality Planning and Standards
OMB Office of Management and Budget
PB–HAP hazardous air pollutants known to be persistent and bio-accumulative in the environment
PRA Paperwork Reduction Act
QA quality assurance
RACT reasonably available control technology
RBLC RACT/BACT/LAER Clearinghouse
REL reference exposure level
RFA Regulatory Flexibility Act
RfC reference concentration
RTR residual risk and technology review
SAB Science Advisory Board
SSM startup, shutdown, and malfunction
TOSHI target organ-specific hazard index
tpy tons per year
UF uncertainty factor
μg/m^3 microgram per cubic meter
UMRA Unfunded Mandates Reform Act
URE unit risk estimate
VCS voluntary consensus standards

Organization of this Document. The information in this preamble is organized as follows:

I. General Information

A. Does this action apply to me?

Table 1 of this preamble lists the NESHAP and the associated regulated industrial source category that is the subject of this proposal. Table 1 is not intended to be exhaustive, but rather provides a guide for readers regarding the entities that this proposed action is likely to affect. The proposed standards, once promulgated, will be directly applicable to the affected sources. Federal, state, local, and tribal government entities would not be affected by this proposed action. The Wet-Formed Fiberglass Mat Production source category was added to the list of categories of major sources of HAP published under section 112(c) of the CAA in an action that concurrently promulgated NESHAP for the Wet-Formed Fiberglass Mat Production source category (67 FR 17824, April 11, 2002). As defined in that action, in wet-formed fiberglass mat production, glass fibers are bonded with an organic resin. The mat is formed as the resin is dried and cured in heated ovens.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS PROPOSED ACTION

Source category	NESHAP	NAICS code [1]
Wet-Formed Fiberglass Mat Production	Wet-Formed Fiberglass Mat Production	327212

[1] North American Industry Classification System.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this action is available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this proposed action at *https://www.epa.gov/stationary-sources-air-pollution/wet-formed-fiberglass-mat-production-national-emission-standards.* Following publication in the **Federal Register**, the EPA will post the **Federal Register** version of the proposal and key technical documents at this same website. Information on the overall RTR program is available at *https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html.*

A redline version of the regulatory language that incorporates the proposed changes in this action is available in the docket for this action (Docket ID No. EPA–HQ–OAR–2004–0309).

C. What should I consider as I prepare my comments for the EPA?

Submitting CBI. Do not submit information containing CBI to the EPA through *http://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD–ROM that you mail to the EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI for inclusion in the public docket. If you submit a CD–ROM or disk that does not contain CBI, mark the outside of the disk or CD–ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2004–0309.

II. Background

A. What is the statutory authority for this action?

The statutory authority for this action is provided by sections 112 and 301 of the CAA, as amended (42 U.S.C. 7401 *et seq.*). Section 112 of the CAA establishes a two-stage regulatory process to develop standards for emissions of HAP from stationary sources. Generally, the first stage involves establishing technology-based standards and the second stage involves evaluating those standards that are based on maximum achievable control technology (MACT) to determine whether additional standards are needed to further address any remaining risk associated with HAP emissions. This second stage is commonly referred to as the ''residual risk review.'' In addition to the residual risk review, the CAA also requires the EPA to review standards set under CAA section 112 every 8 years to determine if there are ''developments in practices, processes, or control technologies'' that may be appropriate to incorporate into the standards. This review is commonly referred to as the ''technology review.'' When the two reviews are combined into a single rulemaking, it is commonly referred to as the ''risk and technology review.'' The discussion that follows identifies the most relevant statutory sections and briefly explains the contours of the methodology used to implement these statutory requirements. A more comprehensive discussion appears in the document, *CAA Section 112 Risk and Technology Reviews: Statutory Authority and Methodology,* which is available in the docket for this rulemaking.

In the first stage of the CAA section 112 standard setting process, the EPA promulgates technology-based standards under CAA section 112(d) for categories of sources identified as emitting one or more of the HAP listed in CAA section 112(b). Sources of HAP emissions are either major sources or area sources, and CAA section 112 establishes different requirements for major source standards and area source standards. ''Major

sources'' are those that emit or have the potential to emit 10 tons per year (tpy) or more of a single HAP or 25 tpy or more of any combination of HAP. All other sources are ''area sources.'' For major sources, CAA section 112(d) provides that the technology-based NESHAP must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts). These standards are commonly referred to as MACT standards. CAA section 112(d)(3) also establishes a minimum control level for MACT standards, known as the MACT ''floor.'' The EPA must also consider control options that are more stringent than the floor. Standards more stringent than the floor are commonly referred to as beyond-the-floor standards. In certain instances, as provided in CAA section 112(h), EPA may set work practice standards where it is not feasible to prescribe or enforce a numerical emission standard. For area sources, CAA section 112(d)(5) gives the EPA discretion to set standards based on generally available control technologies or management practices (GACT standards) in lieu of MACT standards.

The second stage in standard-setting focuses on identifying and addressing any remaining (*i.e.,* ''residual'') risk according to CAA section 112(f). Section 112(f)(2) of the CAA requires the EPA to determine for source categories subject to MACT standards whether promulgation of additional standards is needed to provide an ample margin of safety to protect public health or to prevent an adverse environmental effect. Section 112(d)(5) of the CAA provides that this residual risk review is not required for categories of area sources subject to GACT standards. Section 112(f)(2)(B) of the CAA further expressly preserves the EPA's use of the two-step approach for developing standards to address any residual risk and the Agency's interpretation of ''ample margin of safety'' developed in the *National Emissions Standards for Hazardous Air Pollutants: Benzene Emissions from Maleic Anhydride Plants, Ethylbenzene/Styrene Plants, Benzene Storage Vessels, Benzene Equipment Leaks, and Coke By-Product Recovery Plants* (Benzene NESHAP) (54 FR 38044, September 14, 1989). The EPA notified Congress in the Risk Report that the Agency intended to use the Benzene NESHAP approach in making CAA section 112(f) residual risk determinations (EPA–453/R–99–001, p. ES–11). The EPA subsequently adopted this approach in its residual risk determinations and the United States Court of Appeals for the District of Columbia Circuit (the Court) upheld the EPA's interpretation that CAA section 112(f)(2) incorporates the approach established in the Benzene NESHAP. See *NRDC* v. *EPA,* 529 F.3d 1077, 1083 (DC Cir. 2008).

The approach incorporated into the CAA and used by the EPA to evaluate residual risk and to develop standards under CAA section 112(f)(2) is a two-step approach. In the first step, the EPA determines whether risks are acceptable. This determination ''considers all health information, including risk estimation uncertainty, and includes a presumptive limit on maximum individual lifetime [cancer] risk (MIR) [1] of approximately [1-in-10 thousand] [*i.e.,* 100-in-1 million].'' 54 FR 38045, September 14, 1989. If risks are unacceptable, the EPA must determine the emissions standards necessary to bring risks to an acceptable level without considering costs. In the second step of the approach, the EPA considers whether the emissions standards provide an ample margin of safety ''in consideration of all health information, including the number of persons at risk levels higher than approximately [1-in-1 million], as well as other relevant factors, including costs and economic impacts, technological feasibility, and other factors relevant to each particular decision.'' *Id.* The EPA must promulgate emission standards necessary to provide an ample margin of safety to protect public health. After conducting the ample margin of safety analysis, we consider whether a more stringent standard is necessary to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect.

CAA section 112(d)(6) separately requires the EPA to review standards promulgated under CAA section 112 and revise them ''as necessary (taking into account developments in practices, processes, and control technologies)'' no less frequently than every 8 years. In conducting this review, which we call the ''technology review,'' the EPA is not required to recalculate the MACT floor. *Natural Resources Defense Council (NRDC)* v. *EPA,* 529 F.3d 1077, 1084 (D.C. Cir. 2008). *Association of Battery Recyclers, Inc.* v. *EPA,* 716 F.3d 667 (D.C. Cir. 2013). The EPA may consider cost in deciding whether to revise the standards pursuant to CAA section 112(d)(6).

[1] Although defined as ''maximum individual risk,'' MIR refers only to cancer risk. MIR, one metric for assessing cancer risk, is the estimated risk if an individual were exposed to the maximum level of a pollutant for a lifetime.

B. What is this source category and how does the current NESHAP regulate its HAP emissions?

The NESHAP for the Wet-Formed Fiberglass Mat Production source category were promulgated on April 11, 2002 (67 FR 17824), in an action that also added the source category to the list of categories of major sources of HAP published under section 112(c) of the CAA and to the source category schedule for NESHAP. The NESHAP are codified at 40 CFR part 63, subpart HHHH. Wet-formed fiberglass mat is used as a substrate for multiple roofing products, as reinforcement for various plastic, cement, and gypsum products, and in miscellaneous specialty products. The fiberglass mat is made of glass fibers that have been bonded with a formaldehyde-based resin. Methanol is also present in some, but not all, resins used to produce wet-formed fiberglass mat. In a typical wet-formed fiberglass mat production line, glass fibers are mixed with water and emulsifiers in large mixing vats to form a slurry of fibers and water. The glass fiber slurry is then pumped to a mat forming machine, where it is dispensed in a uniform curtain over a moving screen belt. The mat is then carried beneath a binder saturator, where binder solution is uniformly applied onto the surface of the mat. This resin-binder application process includes the screen passing over a vacuum which draws away the excess binder solution for recycling. The mat of fibers and binder then passes into drying and curing ovens that use heated air to carry away excess moisture and harden (*i.e.,* cure) the binder. Upon exiting the ovens, the mat is cooled, trimmed, wound, and packaged to product specifications. The primary HAP emitted during production of wet-formed fiberglass mat are formaldehyde, which is classified as a known, probable, or possible carcinogen, and methanol. We are aware of seven wet-formed fiberglass mat production facilities that are subject to the NESHAP. Five of the affected facilities have single mat lines and two of the affected facilities have two mat lines.

The affected source is each wet-formed fiberglass mat drying and curing oven. The NESHAP regulates emissions of HAP through emission standards for formaldehyde, which is also used as a surrogate for total HAP emissions. Facilities subject to the NESHAP must meet either a mass emission limit or percentage reduction requirement for each drying and curing oven. The emission standards are the same for new and existing drying and curing ovens. The emission limits for the exhaust from

new and existing drying and curing ovens are (1) a maximum formaldehyde emission rate of 0.03 kilograms per megagram (kg/Mg) of wet-formed fiberglass mat produced (0.05 pounds per ton (lb/ton) of wet-formed fiberglass mat produced) or (2) a minimum of 96-percent destruction efficiency of formaldehyde. Thermal oxidizers or similar controls (*e.g.,* regenerative thermal oxidizer, regenerative catalytic oxidizer) are used by facilities subject to the NESHAP to control their drying and curing oven exhausts.

C. What data collection activities were conducted to support this action?

The EPA used several means to collect the information necessary to conduct the residual risk assessment and technology review for the Wet-Formed Fiberglass Mat Production source category. To confirm whether facilities identified as potentially subject to the NESHAP were in fact subject to the standards, we requested air permits and/or performance test data from various state and local agencies. After developing our final list of affected facilities, the status of each facility was confirmed in consultation with the Asphalt Roofing Manufacturers Association (ARMA) and ARMA-member companies. The EPA had discussions with the four companies that own one or more of the affected facilities regarding each facility's production process and emission sources, available emissions test data and emissions estimates, measures used to control emissions, and other aspects of facility operations. The facility-specific information from state and local agencies and companies with affected facilities provided support for this action's risk and technology reviews.

D. What other relevant background information and data are available?

The EPA used multiple sources of information to support this proposed action. Before developing the final list of affected facilities described in section II.C of this preamble, the EPA's Enforcement and Compliance History Online (ECHO) database was used as a tool to identify potentially affected facilities with wet-formed fiberglass mat production operations that are subject to the NESHAP. The ECHO database provides integrated compliance and enforcement information for approximately 800,000 regulated facilities nationwide.

The 2014 National Emissions Inventory (NEI) database provided facility-specific data and MACT category data that were used to supplement the performance test data in developing the modeling file for the risk review. The NEI is a database that contains information about sources that emit criteria air pollutants, their precursors, and HAP. The database includes estimates of annual air pollutant emissions from point, nonpoint, and mobile sources in the 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands. The EPA collects this information and releases an updated version of the NEI database every 3 years. The NEI includes information necessary for conducting risk modeling, including annual HAP emissions estimates from individual emission points at facilities and the related emissions release parameters.

In conducting the technology review, we examined information in the Reasonably Available Control Technology (RACT)/Best Available Control Technology (BACT)/Lowest Achievable Emission Rate (LAER) Clearinghouse (RBLC) to identify technologies in use and determine if there have been developments in practices, processes, or control technologies. The RBLC is a database that contains case-specific information of air pollution technologies that have been required to reduce the emissions of air pollutants from stationary sources. Under the EPA's New Source Review (NSR) program, if a facility is planning new construction or a modification that will increase the air emissions by a large amount, an NSR permit must be obtained. This central database promotes the sharing of information among permitting agencies and aids in case-by-case determinations for NSR permits. The EPA also reviewed other information sources to determine if there have been developments in practices, processes, or control technologies in the Wet-Formed Fiberglass Mat Production source category. We reviewed regulatory actions for emission sources similar to mat drying and curing ovens and conducted a review of literature published by industry organizations, technical journals, and government organizations.

III. Analytical Procedures

In this section, we describe the analyses performed to support the proposed decisions for the RTR and other issues addressed in this proposal.

A. How do we consider risk in our decision-making?

As discussed in section II.A of this preamble and in the Benzene NESHAP, in evaluating and developing standards under CAA section 112(f)(2), we apply a two-step approach to determine whether or not risks are acceptable and to determine if the standards provide an ample margin of safety to protect public health. As explained in the Benzene NESHAP, ''the first step judgment on acceptability cannot be reduced to any single factor'' and, thus, ''[t]he Administrator believes that the acceptability of risk under section 112 is best judged on the basis of a broad set of health risk measures and information.'' 54 FR 38046, September 14, 1989. Similarly, with regard to the ample margin of safety determination, ''the Agency again considers all of the health risk and other health information considered in the first step. Beyond that information, additional factors relating to the appropriate level of control will also be considered, including cost and economic impacts of controls, technological feasibility, uncertainties, and any other relevant factors.'' *Id.*

The Benzene NESHAP approach provides flexibility regarding factors the EPA may consider in making determinations and how the EPA may weigh those factors for each source category. The EPA conducts a risk assessment that provides estimates of the MIR posed by the HAP emissions from each source in the source category, the hazard index (HI) for chronic exposures to HAP with the potential to cause noncancer health effects, and the hazard quotient (HQ) for acute exposures to HAP with the potential to cause noncancer health effects.[2] The assessment also provides estimates of the distribution of cancer risks within the exposed populations, cancer incidence, and an evaluation of the potential for adverse environmental effects. The scope of EPA's risk analysis is consistent with EPA's response to comment on our policy under the Benzene NESHAP where the EPA explained that:

''[t]he policy chosen by the Administrator permits consideration of multiple measures of health risk. Not only can the MIR figure be considered, but also incidence, the presence of non-cancer health effects, and the uncertainties of the risk estimates. In this way, the effect on the most exposed individuals can be reviewed as well as the impact on the general public. These factors can then be weighed in each individual case. This approach complies with the *Vinyl Chloride* mandate that the Administrator ascertain an acceptable level of risk to the public by employing his expertise to assess

[2] The MIR is defined as the cancer risk associated with a lifetime of exposure at the highest concentration of HAP where people are likely to live. The HQ is the ratio of the potential exposure to the HAP to the level at or below which no adverse chronic noncancer effects are expected; the HI is the sum of HQs for HAP that affect the same target organ or organ system.

available data. It also complies with the Congressional intent behind the CAA, which did not exclude the use of any particular measure of public health risk from the EPA's consideration with respect to CAA section 112 regulations, and thereby implicitly permits consideration of any and all measures of health risk which the Administrator, in his judgment, believes are appropriate to determining what will 'protect the public health'.''

See 54 FR 38057, September 14, 1989. Thus, the level of the MIR is only one factor to be weighed in determining acceptability of risks. The Benzene NESHAP explained that ''an MIR of approximately one in 10 thousand should ordinarily be the upper end of the range of acceptability. As risks increase above this benchmark, they become presumptively less acceptable under CAA section 112, and would be weighed with the other health risk measures and information in making an overall judgment on acceptability. Or, the Agency may find, in a particular case, that a risk that includes MIR less than the presumptively acceptable level is unacceptable in the light of other health risk factors.'' *Id.* at 38045. Similarly, with regard to the ample margin of safety analysis, the EPA stated in the Benzene NESHAP that: ''EPA believes the relative weight of the many factors that can be considered in selecting an ample margin of safety can only be determined for each specific source category. This occurs mainly because technological and economic factors (along with the health-related factors) vary from source category to source category.'' *Id.* at 38061. We also consider the uncertainties associated with the various risk analyses, as discussed earlier in this preamble, in our determinations of acceptability and ample margin of safety.

The EPA notes that it has not considered certain health information to date in making residual risk determinations. At this time, we do not attempt to quantify those HAP risks that may be associated with emissions from other facilities that do not include the source category under review, mobile source emissions, natural source emissions, persistent environmental pollution, or atmospheric transformation in the vicinity of the sources in the category.

The EPA understands the potential importance of considering an individual's total exposure to HAP in addition to considering exposure to HAP emissions from the source category and facility. We recognize that such consideration may be particularly important when assessing noncancer risks, where pollutant-specific exposure health reference levels (*e.g.,* reference concentrations (RfCs)) are based on the assumption that thresholds exist for adverse health effects. For example, the EPA recognizes that, although exposures attributable to emissions from a source category or facility alone may not indicate the potential for increased risk of adverse noncancer health effects in a population, the exposures resulting from emissions from the facility in combination with emissions from all of the other sources (*e.g.,* other facilities) to which an individual is exposed may be sufficient to result in increased risk of adverse noncancer health effects. In May 2010, the Science Advisory Board (SAB) advised the EPA ''that RTR assessments will be most useful to decision makers and communities if results are presented in the broader context of aggregate and cumulative risks, including background concentrations and contributions from other sources in the area.'' [3]

In response to the SAB recommendations, the EPA is incorporating cumulative risk analyses into its RTR risk assessments, including those reflected in this proposal. The Agency is (1) conducting facility-wide assessments, which include source category emission points, as well as other emission points within the facilities; (2) combining exposures from multiple sources in the same category that could affect the same individuals; and (3) for some persistent and bioaccumulative pollutants, analyzing the ingestion route of exposure. In addition, the RTR risk assessments have always considered aggregate cancer risk from all carcinogens and aggregate noncancer HI from all noncarcinogens affecting the same target organ system.

Although we are interested in placing source category and facility-wide HAP risks in the context of total HAP risks from all sources combined in the vicinity of each source, we are concerned about the uncertainties of doing so. Because of the contribution to total HAP risk from emission sources other than those that we have studied in depth during this RTR review, such estimates of total HAP risks would have significantly greater associated uncertainties than the source category or facility-wide estimates. Such aggregate or cumulative assessments would compound those uncertainties, making the assessments too unreliable.

[3] The EPA's responses to this and all other key recommendations of the SAB's advisory on RTR risk assessment methodologies (which is available at: *http://yosemite.epa.gov/sab/sabproduct.nsf/4AB3966E263D943A8525771F00668381/$File/EPA-SAB-10-007-unsigned.pdf*) are outlined in a memorandum to this rulemaking docket from David Guinnup titled *EPA's Actions in Response to the Key Recommendations of the SAB Review of RTR Risk Assessment Methodologies.*

B. How do we perform the technology review?

Our technology review focuses on the identification and evaluation of developments in practices, processes, and control technologies that have occurred since the MACT standards were promulgated. Where we identify such developments, in order to inform our decision of whether it is ''necessary'' to revise the emissions standards, we analyze the technical feasibility of applying these developments and the estimated costs, energy implications, and non-air environmental impacts, and we also consider the emission reductions. In addition, we consider the appropriateness of applying controls to new sources versus retrofitting existing sources. For this exercise, we consider any of the following to be a ''development'':

- Any add-on control technology or other equipment that was not identified and considered during development of the original MACT standards;
- Any improvements in add-on control technology or other equipment (that were identified and considered during development of the original MACT standards) that could result in additional emissions reduction;
- Any work practice or operational procedure that was not identified or considered during development of the original MACT standards;
- Any process change or pollution prevention alternative that could be broadly applied to the industry and that was not identified or considered during development of the original MACT standards; and
- Any significant changes in the cost (including cost effectiveness) of applying controls (including controls the EPA considered during the development of the original MACT standards).

In addition to reviewing the practices, processes, and control technologies that were considered at the time we originally developed (or last updated) the NESHAP, we review a variety of data sources in our investigation of potential practices, processes, or controls to consider. Among the sources we reviewed were the NESHAP for various industries that were promulgated since the MACT standards being reviewed in this action. We reviewed the regulatory requirements and/or technical analyses associated with these regulatory actions to identify any practices, processes, and control technologies considered in these efforts

that could be applied to emission sources in the Wet-Formed Fiberglass Mat Production source category, specifically drying and curing ovens, as well as the costs, non-air impacts, and energy implications associated with the use of these technologies. Additionally, during discussions with affected facilities, we asked about developments in practices, processes, or control technology. Finally, we reviewed information from other sources, such as state and/or local permitting agency databases and industry-supported databases.

C. How did we estimate post-MACT risks posed by the source category?

The EPA conducted a risk assessment that provides estimates of the MIR for cancer posed by the HAP emissions from each source in the source category, the HI for chronic exposures to HAP with the potential to cause noncancer health effects, and the HQ for acute exposures to HAP with the potential to cause noncancer health effects. The assessment also provides estimates of the distribution of cancer risks within the exposed populations, cancer incidence, and an evaluation of the potential for adverse environmental effects. The seven sections that follow this paragraph describe how we estimated emissions and conducted the risk assessment. The docket for this action contains the following document which provides more information on the risk assessment inputs and models: *Residual Risk Assessment for the Wet-Formed Fiberglass Mat Production Source Category in Support of the February 2018 Risk and Technology Review Proposed Rule.* The methods used to assess risks (as described in the seven primary steps below) are consistent with those peer-reviewed by a panel of the EPA's Science Advisory Board (SAB) in 2009 and described in their peer review report issued in 2010;[4] they are also consistent with the key recommendations contained in that report.

1. How did we estimate actual emissions and identify the emissions release characteristics?

Data for nine wet-formed fiberglass mat production lines at seven facilities were used to create the RTR emissions dataset as described in sections II.C and II.D of this preamble. The emission sources included in the RTR emissions dataset include drying and curing ovens, which are the primary HAP emission sources at wet-formed fiberglass mat production facilities and currently regulated by the NESHAP. The RTR emissions dataset also includes emissions from the binder application vacuum exhaust which is the emission release point for the resin-binder application process. As stated in section II.B of this preamble, the primary HAP emitted are formaldehyde and methanol.

Actual emissions estimates for drying and curing oven exhaust and binder application vacuum exhaust at the seven affected facilities were based on stack test data, NEI data, and engineering estimates. For drying and curing oven exhaust, actual formaldehyde emissions were based on emissions data from the most recent stack test. For the facilities using binders containing methanol in addition to formaldehyde, actual methanol emissions from the drying and curing oven exhaust were estimated by adjusting each drying and curing oven's actual formaldehyde emissions estimate based on the ratio of methanol to formaldehyde emissions reported to the 2014 NEI for each oven. For binder application vacuum exhaust, actual formaldehyde emissions and actual methanol emissions at facilities using binders containing methanol were based on stack test emissions data in the limited instances where available. Where formaldehyde data were unavailable, actual formaldehyde emissions were estimated using a factor based on data from one affected facility that tested both the uncontrolled emissions from the drying and curing oven and the emissions from the binder application vacuum exhaust. Where methanol data were unavailable, actual methanol emissions from the binder application vacuum exhaust were estimated by adjusting the actual formaldehyde emissions estimate for the binder application vacuum exhaust based on the ratio of methanol to formaldehyde emissions reported to the 2014 NEI for the oven associated with each binder application process.

For each emission release point (*i.e.,* drying and curing oven exhaust and binder application vacuum exhaust), emissions release characteristic data such as emission release height, diameter, temperature, velocity, flow rate, and locational latitude/longitude coordinates were identified. For drying and curing ovens, the emission release point is an exhaust stack. For the resin-binder application process, the emission release point is the location of the binder application vacuum exhaust, which is most commonly routed to one or more roof vents. With one exception, the binder application vacuum exhaust release points were modeled as stacks. The one process that exhausts to a louvered sidewall was modeled as a fugitive release. Parameters for the emission release points were primarily obtained from performance tests, the 2014 NEI database, air permits, and information collected in consultation with each facility. Default parameter values based on MACT source category 2014 NEI information were used for the binder application vacuum exhaust when site-specific information was not available.

The EPA conducted a quality assurance (QA) check of source locations, emission release characteristics, and annual emissions estimates. In addition, each company had the opportunity to review the information regarding their sources and provide updated source data. The revisions we received and incorporated into the modeling file regarded emission release point details (*e.g.,* number of emission release points, release height and diameter, latitude/longitude coordinates).

Additional details on the data and methods used to develop actual emissions estimates for the risk modeling, including EPA's QA review, are provided in the memorandum, *Wet-Formed Fiberglass: Residual Risk Modeling File Documentation* (*Modeling File Documentation Memo*), which is available in the docket for this action.

2. How did we estimate MACT-allowable emissions?

The available emissions data in the RTR emissions dataset include estimates of the mass of HAP emitted during a specified annual time period. These ''actual'' emission levels are often lower than the emission levels allowed under the requirements of the current MACT standards. The emissions level allowed to be emitted under the MACT standards is referred to as the ''MACT-allowable'' emissions level. We discussed the use of both MACT-allowable and actual emissions in the final Coke Oven Batteries RTR (70 FR 19998–19999, April 15, 2005) and in the proposed and final Hazardous Organic NESHAP RTRs (71 FR 34428, June 14, 2006, and 71 FR 76609, December 21, 2006, respectively). In those actions, we noted that assessing the risks at the MACT-allowable level is inherently reasonable since these risks reflect the maximum level facilities could emit and still comply with national emission standards. We also explained that it is reasonable to consider actual emissions, where such data are available, in both

[4] U.S. EPA SAB. *Risk and Technology Review (RTR) Risk Assessment Methodologies: For Review by the EPA's Science Advisory Board with Case Studies—MACT I Petroleum Refining Sources and Portland Cement Manufacturing,* May 2010.

steps of the risk analysis, in accordance with the Benzene NESHAP approach. (54 FR 38044, September 14, 1989.)

MACT-allowable emissions estimates were based on the level of control required by the Wet-formed Fiberglass Mat Production NESHAP. For drying and curing ovens, 40 CFR part 63, subpart HHHH requires a 96-percent destruction efficiency for formaldehyde. The MACT-allowable formaldehyde emissions for drying and curing oven exhaust were calculated based on the actual formaldehyde emissions levels adjusted to reflect 96 percent control, which is the minimum percent destruction efficiency for formaldehyde allowed under the NESHAP. MACT-allowable methanol emissions from drying and curing oven exhaust were estimated by adjusting each drying and curing oven's MACT-allowable formaldehyde emissions estimate based on the ratio of methanol to formaldehyde emissions reported to the 2014 NEI for each oven. For binder application vacuum exhaust, which has no control requirements under the NESHAP, the MACT-allowable formaldehyde and methanol emissions were assumed equal to the actual emissions estimates with the exception of one facility where the binder application vacuum exhaust is combined with the drying and curing oven exhaust. The *Modeling File Documentation Memo,* available in the docket for this action, contains additional information on the development of estimated MACT-allowable emissions for the risk modeling.

3. How did we conduct dispersion modeling, determine inhalation exposures, and estimate individual and population inhalation risks?

Both long-term and short-term inhalation exposure concentrations and health risks from the source category addressed in this proposal were estimated using the Human Exposure Model (HEM–3). The HEM–3 performs three primary risk assessment activities: (1) Conducting dispersion modeling to estimate the concentrations of HAP in ambient air, (2) estimating long-term and short-term inhalation exposures to individuals residing within 50 kilometers (km) of the modeled sources, and (3) estimating individual and population-level inhalation risks using the exposure estimates and quantitative dose-response information.

a. Dispersion Modeling

The air dispersion model, AERMOD, used by the HEM–3 model, is one of the EPA's preferred models for assessing air pollutant concentrations from industrial facilities.[5] To perform the dispersion modeling and to develop the preliminary risk estimates, HEM–3 draws on three data libraries. The first is a library of meteorological data, which is used for dispersion calculations. This library includes 1 year (2016) of hourly surface and upper air observations from 824 meteorological stations, selected to provide coverage of the United States and Puerto Rico. A second library of United States Census Bureau census block[6] internal point locations and populations provides the basis of human exposure calculations (U.S. Census, 2010). In addition, for each census block, the census library includes the elevation and controlling hill height, which are also used in dispersion calculations. A third library of pollutant-specific dose-response values is used to estimate health risks. These dose-response values are the latest values recommended by the EPA for HAP. They are available at *https://www.epa.gov/fera/dose-response-assessment-assessing-health-risks-associated-exposure-hazardous-air-pollutants* and are discussed in more detail later in this section.

b. Risk From Chronic Exposure to HAP That May Cause Cancer

In developing the risk assessment for chronic exposures, we used the estimated annual average ambient air concentrations of each HAP emitted by each source for which we have emissions data in the source category. The air concentrations at each nearby census block centroid were used as a surrogate for the chronic inhalation exposure concentration for all the people who reside in that census block. We calculated the MIR for each facility as the cancer risk associated with a continuous lifetime (24 hours per day, 7 days per week, 52 weeks per year, for a 70-year period) exposure to the maximum concentration at the centroid of inhabited census blocks. Individual cancer risks were calculated by multiplying the estimated lifetime exposure to the ambient concentration of each HAP (in micrograms per cubic meter ($\mu g/m^3$)) by its unit risk estimate (URE). The URE is an upper bound estimate of an individual's probability of contracting cancer over a lifetime of exposure to a concentration of 1 microgram of the pollutant per cubic meter of air. For residual risk assessments, we generally use UREs from the EPA's Integrated Risk Information System (IRIS). For carcinogenic pollutants without IRIS values, we look to other reputable sources of cancer dose-response values, often using California EPA (CalEPA) UREs, where available. In cases where new, scientifically credible dose-response values have been developed in a manner consistent with the EPA guidelines and have undergone a peer review process similar to that used by the EPA, we may use such dose-response values in place of, or in addition to, other values, if appropriate.

In 2004, the EPA determined that the Chemical Industry Institute of Toxicology (CIIT) cancer dose-response value for formaldehyde ($5.5 \times 10–9$ per milligrams per cubic meter (mg/m^3)) was based on better science than the 1991 IRIS dose-response value ($1.3 \times 10–5$ per mg/m^3), and we switched from using the IRIS value to the CIIT value in risk assessments supporting regulatory actions. Based on subsequent published research, however, the EPA changed its determination regarding the CIIT model, and, in 2010, the EPA returned to using the 1991 IRIS value. The National Academy of Sciences (NAS) completed its review of the EPA's draft assessment in April of 2011 (*http://www.nap.edu/catalog.php?recordid=13142*), and the EPA has been working on revising the formaldehyde assessment. The EPA will follow the NAS Report recommendations and will present results obtained by implementing the biologically based dose response (BBDR) model for formaldehyde. The EPA will compare these estimates with those currently presented in the External Review draft of the assessment and will discuss their strengths and weaknesses. As recommended by the NAS committee, appropriate sensitivity and uncertainty analyses will be an integral component of implementing the BBDR model. The draft IRIS assessment will be revised in response to the NAS peer review and public comments and the final assessment will be posted on the IRIS database. In the interim, we will present findings using the 1991 IRIS value as a primary estimate and may also consider other information as the science evolves. To estimate incremental individual lifetime cancer risks associated with emissions from the facilities in the source category, EPA summed the risks for each of the

[5] U.S. EPA. Revision to the *Guideline on Air Quality Models: Adoption of a Preferred General Purpose (Flat and Complex Terrain) Dispersion Model and Other Revisions* (70 FR 68218, November 9, 2005).

[6] A census block is the smallest geographic area for which census statistics are tabulated.

carcinogenic HAP[7] emitted by the modeled sources. Cancer incidence and the distribution of individual cancer risks for the population within 50 km of the sources were also estimated for the source category by summing individual risks. A distance of 50 km is consistent with both the analysis supporting the 1989 Benzene NESHAP (54 FR 38044, September 14, 1989) and the limitations of Gaussian dispersion models, including AERMOD.

c. Risk From Chronic Exposure to HAP That May Cause Health Effects Other Than Cancer

To assess the risk of noncancer health effects from chronic exposure to HAP, we calculate either an HQ or a target organ-specific hazard index (TOSHI). We calculate an HQ when a single noncancer HAP is emitted. Where more than one noncancer HAP is emitted, we sum the HQ for each of the HAP that affects a common TOSHI. The HQ is the estimated exposure divided by the chronic noncancer dose-response value, which is a value selected from one of several sources. The preferred chronic noncancer dose-response value is the EPA RfC (*https://iaspub.epa.gov/sor_internet/registry/termreg/searchandretrieve/glossariesandkeywordlists/search.do?details=&vocabName=IRIS%20Glossary*), defined as ''an estimate (with uncertainty spanning perhaps an order of magnitude) of a continuous inhalation exposure to the human population (including sensitive subgroups) that is likely to be without an appreciable risk of deleterious effects during a lifetime.'' In cases where an RfC from the EPA's IRIS database is not available or where the EPA determines that using a value other than the RfC is appropriate, the chronic noncancer dose-response value can be a value from the following prioritized sources, which define their dose-response values similarly to EPA: (1) The Agency for Toxic Substances and Disease Registry (ATSDR) Minimum Risk Level (*http://www.atsdr.cdc.gov/mrls/index.asp*); (2) the CalEPA Chronic Reference Exposure Level (REL) (*http://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0*); or (3), as noted above, a scientifically credible dose-response value that has been developed in a manner consistent with the EPA guidelines and has undergone a peer review process similar to that used by the EPA.

d. Risk From Acute Exposure to HAP That May Cause Health Effects Other Than Cancer

For each HAP for which appropriate acute inhalation dose-response values are available, the EPA also assesses the potential health risks due to acute exposure. For these assessments, the EPA makes conservative assumptions about emission rates, meteorology, and exposure location. We use the peak hourly emission rate,[8] worst-case dispersion conditions, and, in accordance with our mandate under section 112 of the CAA, the point of highest off-site exposure to assess the potential risk to the maximally exposed individual.

To characterize the potential health risks associated with estimated acute inhalation exposures to a HAP, we generally use multiple acute dose-response values, including acute RELs, acute exposure guideline levels (AEGLs), and emergency response planning guidelines (ERPG) for 1-hour exposure durations, if available, to calculate acute HQs. The acute HQ is calculated by dividing the estimated acute exposure by the acute dose-response value. For each HAP for which acute dose-response values are available, the EPA calculates acute HQs.

An acute REL is defined as ''the concentration level at or below which no adverse health effects are anticipated for a specified exposure duration.''[9] Acute RELs are based on the most sensitive, relevant, adverse health effect reported in the peer-reviewed medical and toxicological literature. They are designed to protect the most sensitive individuals in the population through the inclusion of margins of safety. Because margins of safety are incorporated to address data gaps and uncertainties, exceeding the REL does not automatically indicate an adverse health impact. AEGLs represent threshold exposure limits for the general public and are applicable to emergency exposures ranging from 10 minutes to 8 hours.[10] They are guideline levels for ''once-in-a-lifetime, short-term exposures to airborne concentrations of acutely toxic, high-priority chemicals.'' *Id.* at 21. The AEGL–1 is specifically defined as ''the airborne concentration (expressed as ppm (parts per million) or mg/m^3 (milligrams per cubic meter)) of a substance above which it is predicted that the general population, including susceptible individuals, could experience notable discomfort, irritation, or certain asymptomatic nonsensory effects. However, the effects are not disabling and are transient and reversible upon cessation of exposure.'' Airborne concentrations below AEGL–1 represent exposure levels that can produce mild and progressively increasing but transient and nondisabling odor, taste, and sensory irritation or certain asymptomatic, nonsensory effects.'' *Id.* AEGL–2 are defined as ''the airborne concentration (expressed as parts per million or milligrams per cubic meter) of a substance above which it is predicted that the general population, including susceptible individuals, could experience irreversible or other serious, long-lasting adverse health effects or an impaired ability to escape.'' *Id.*

[7] EPA classifies carcinogens as: Carcinogenic to humans, likely to be carcinogenic to humans, and suggestive evidence of carcinogenic potential. These classifications also coincide with the terms ''known carcinogen, probable carcinogen, and possible carcinogen,'' respectively, which are the terms advocated in the EPA's *Guidelines for Carcinogen Risk Assessment,* published in 1986 (51 FR 33992, September 24, 1986). In August 2000, the document, *Supplemental Guidance for Conducting Health Risk Assessment of Chemical Mixtures* (EPA/630/R–00/002) was published as a supplement to the 1986 document. Copies of both documents can be obtained from *https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=20533&CFID=70315376&CFTOKEN=71597944.* Summing the risks of these individual compounds to obtain the cumulative cancer risks is an approach that was recommended by the EPA's SAB in their 2002 peer review of the EPA's National Air Toxics Assessment (NATA) titled *NATA—Evaluating the National-scale Air Toxics Assessment 1996 Data—an SAB Advisory,* available at *http://yosemite.epa.gov/sab/sabproduct.nsf/214C6E915BB04E14852570CA007A682C/$File/ecadv02001.pdf.*

[8] In the absence of hourly emission data, we develop estimates of maximum hourly emission rates by multiplying the average actual annual emissions rates by a default factor (usually 10) to account for variability. This is documented in *Residual Risk Assessment for the Wet-Formed Fiberglass Mat Production Source Category in Support of the February 2018 Risk and Technology Review Proposed Rule* and in Appendix 5 of the report: *Analysis of Data on Short-term Emission Rates Relative to Long-term Emission Rates.* Both are available in the docket for this rulemaking.

[9] CalEPA issues acute RELs as part of its Air Toxics Hot Spots Program, and the 1-hour and 8-hour values are documented in *Air Toxics Hot Spots Program Risk Assessment Guidelines, Part I, The Determination of Acute Reference Exposure Levels for Airborne Toxicants,* which is available at *http://oehha.ca.gov/air/general-info/oehha-acute-8-hour-and-chronic-reference-exposure-level-rel-summary.*

[10] NAS, 2001. *Standing Operating Procedures for Developing Acute Exposure Levels for Hazardous Chemicals,* page 2. Available at *https://www.epa.gov/sites/production/files/2015-09/documents/sop_final_standing_operating_procedures_2001.pdf.* Note that the National Advisory Committee/AEGL Committee ended in October 2011, but the AEGL program continues to operate at the EPA and works with the National Academies to publish final AEGLs, (*https://www.epa.gov/aegl*).

ERPGs are developed for emergency planning and are intended as health-based guideline concentrations for single exposures to chemicals.'' [11] *Id.* at 1. The ERPG–1 is defined as ''the maximum airborne concentration below which it is believed that nearly all individuals could be exposed for up to 1 hour without experiencing other than mild transient adverse health effects or without perceiving a clearly defined, objectionable odor.'' *Id.* at 2. Similarly, the ERPG–2 is defined as ''the maximum airborne concentration below which it is believed that nearly all individuals could be exposed for up to one hour without experiencing or developing irreversible or other serious health effects or symptoms which could impair an individual's ability to take protective action.'' *Id.* at 1.

An acute REL for 1-hour exposure durations is typically lower than its corresponding AEGL–1 and ERPG–1. Even though their definitions are slightly different, AEGL–1s are often the same as the corresponding ERPG–1s, and AEGL–2s are often equal to ERPG–2s. The maximum HQs from our acute inhalation screening risk assessment typically result when we use the acute REL for a HAP. In cases where the maximum acute HQ exceeds 1, we also report the HQ based on the next highest acute dose-response value (usually the AEGL–1 and/or the ERPG–1).

For this source category, hourly emissions data were used to estimate maximum hourly emissions. In general, emissions used to assess the potential health risks due to acute exposure were estimated using the same approach used to develop actual emissions estimates described in section III.C.1 of this preamble, except that emissions used to estimate acute exposure were based on maximum hourly emission rates reported during stack tests. For drying and curing oven exhaust, formaldehyde emissions were based on maximum hourly emissions data, considering all test runs from available stack tests. For the facilities using binders containing methanol, methanol emissions from the drying and curing oven exhaust were estimated by adjusting each drying and curing oven's formaldehyde emissions estimate based on the ratio of methanol to formaldehyde emissions reported to the 2014 NEI for each oven. For binder application vacuum exhaust, formaldehyde emissions and methanol emissions at facilities using binders containing methanol were based on maximum hourly emissions data from stack tests in the limited instances where available. Where formaldehyde data were unavailable, formaldehyde emissions were estimated using a factor based on one facility's uncontrolled emissions from its drying and curing oven and emissions from its binder application vacuum exhaust. Where methanol data were unavailable, methanol emissions were estimated by adjusting the formaldehyde emissions estimate for the binder application vacuum exhaust based on the ratio of methanol to formaldehyde emissions reported to the 2014 NEI for the oven associated with each binder application vacuum exhaust.

A further discussion of the development of emissions used to estimate acute exposure for the risk modeling can be found in the risk document, *Residual Risk Assessment for the Wet-Formed Fiberglass Mat Production Source Category in Support of the February 2018 Risk and Technology Review Proposed Rule,* which is available in the docket for this action.

In our acute inhalation screening risk assessment, acute impacts are deemed negligible for HAP where acute HQs are less than or equal to 1 (even under the conservative assumptions of the screening assessment), and no further analysis is performed for these HAP. In cases where an acute HQ from the screening step is greater than 1, we consider additional site-specific data to develop a more refined estimate of the potential for acute impacts of concern.

4. How did we conduct the multipathway exposure and risk screening assessment?

The EPA conducted a tiered screening assessment examining the potential for significant human health risks due to exposures via routes other than inhalation (*i.e.,* ingestion). We first determined whether any sources in the source category emitted any HAP known to be persistent and bioaccumulative in the environment (PB–HAP), as identified in the EPA's Air Toxics Risk Assessment Library (See Volume 1, Appendix D, at *http://www2.epa.gov/fera/risk-assessment-and-modeling-air-toxics-risk-assessment-reference-library*).

For the Wet-Formed Fiberglass Mat Production source category, we did not identify emissions of any PB–HAP. Because we did not identify PB–HAP emissions, no further evaluation of multipathway risk was conducted for this source category.

5. How did we conduct the environmental risk screening assessment?

a. Adverse Environmental Effects, Environmental HAP, and Ecological Benchmarks

The EPA conducts a screening assessment to examine the potential for adverse environmental effects as required under section 112(f)(2)(A) of the CAA. Section 112(a)(7) of the CAA defines ''adverse environmental effect'' as ''any significant and widespread adverse effect, which may reasonably be anticipated, to wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas.''

The EPA focuses on eight HAP, which are referred to as ''environmental HAP,'' in its screening assessment: Six PB–HAP and two acid gases. The PB–HAP included in the screening assessment are arsenic compounds, cadmium compounds, dioxins/furans, polycyclic organic matter, mercury (both inorganic mercury and methyl mercury), and lead compounds. The acid gases included in the screening assessment are hydrochloric acid (HCl) and hydrogen fluoride (HF).

HAP that persist and bioaccumulate are of particular environmental concern because they accumulate in the soil, sediment, and water. The acid gases, HCl and HF, were included due to their well-documented potential to cause direct damage to terrestrial plants. In the environmental risk screening assessment, we evaluate the following four exposure media: terrestrial soils, surface water bodies (includes water-column and benthic sediments), fish consumed by wildlife, and air. Within these four exposure media, we evaluate nine ecological assessment endpoints, which are defined by the ecological entity and its attributes. For PB–HAP (other than lead), both community-level and population-level endpoints are included. For acid gases, the ecological assessment evaluated is terrestrial plant communities.

An ecological benchmark represents a concentration of HAP that has been linked to a particular environmental effect level. For each environmental HAP, we identified the available ecological benchmarks for each assessment endpoint. We identified, where possible, ecological benchmarks at the following effect levels: Probable

[11] *ERPGS Procedures and Responsibilities.* March 2014. American Industrial Hygiene Association. Available at: *https://www.aiha.org/get-involved/AIHAGuidelineFoundation/EmergencyResponsePlanningGuidelines/Documents/ERPG%20Committee%20Standard%20Operating%20Procedures%20%20-%20March%2014%20Revision%20%28Updated%2010-2-2014%29.pdf.*

effect levels, lowest-observed-adverse-effect level, and no-observed-adverse-effect level. In cases where multiple effect levels were available for a particular PB–HAP and assessment endpoint, we use all of the available effect levels to help us to determine whether ecological risks exist and, if so, whether the risks could be considered significant and widespread.

For further information on how the environmental risk screening assessment was conducted, including a discussion of the risk metrics used, how the environmental HAP were identified, and how the ecological benchmarks were selected, see Appendix 9 of the *Residual Risk Assessment for the Wet-Formed Fiberglass Mat Production Source Category in Support of the Risk and Technology Review February 2018 Proposed Rule,* which is available in the docket for this action.

b. Environmental Risk Screening Methodology

For the environmental risk screening assessment, the EPA first determined whether any facilities in the Wet-Formed Fiberglass Mat Production source category emitted any of the environmental HAP. For the Wet-Formed Fiberglass Mat Production source category, we did not identify emissions of any of the seven environmental HAP included in the screen. Because we did not identify environmental HAP emissions, no further evaluation of environmental risk was conducted.

6. How did we conduct facility-wide assessments?

To put the source category risks in context, we typically examine the risks from the entire ''facility,'' where the facility includes all HAP-emitting operations within a contiguous area and under common control. In other words, we examine the HAP emissions not only from the source category emission points of interest, but also emissions of HAP from all other emission sources at the facility for which we have data.

For this source category, we conducted the facility-wide assessment using a dataset that the EPA compiled from the 2014 NEI. We used the NEI data for the facility and did not adjust any category or ''non-category'' data. Therefore, there could be differences in the dataset from that used for the source category assessments described in this preamble. We analyzed risks due to the inhalation of HAP that are emitted ''facility-wide'' for the populations residing within 50 km of each facility, consistent with the methods used for the source category analysis described above. For these facility-wide risk analyses, we made a reasonable attempt to identify the source category risks, and these risks were compared to the facility-wide risks to determine the portion of facility-wide risks that could be attributed to the source category addressed in this proposal. We also specifically examined the facility that was associated with the highest estimate of risk and determined the percentage of that risk attributable to the source category of interest. The *Residual Risk Assessment for the Wet-Formed Fiberglass Mat Production Source Category in Support of the Risk and Technology Review February 2018 Proposed Rule,* available through the docket for this action, provides the methodology and results of the facility-wide analyses, including all facility-wide risks and the percentage of source category contribution to facility-wide risks.

7. How did we consider uncertainties in risk assessment?

Uncertainty and the potential for bias are inherent in all risk assessments, including those performed for this proposal. Although uncertainty exists, we believe that our approach, which used conservative tools and assumptions, ensures that our decisions are health and environmentally protective. A brief discussion of the uncertainties in the RTR emissions dataset, dispersion modeling, inhalation exposure estimates, and dose-response relationships follows below. Also included are those uncertainties specific to our acute screening assessments, multipathway screening assessments, and our environmental risk screening assessments. A more thorough discussion of these uncertainties is included in the *Residual Risk Assessment for the Wet-Formed Fiberglass Mat Production Source Category in Support of the Risk and Technology Review February 2018 Proposed Rule,* which is available in the docket for this action. If a multipathway site-specific assessment was performed for this source category, a full discussion of the uncertainties associated with that assessment can be found in Appendix 11 of that document, *Site-Specific Human Health Multipathway Residual Risk Assessment Report.*

a. Uncertainties in the RTR Emissions Dataset

Although the development of the RTR emissions dataset involved QA/quality control processes, the accuracy of emissions values will vary depending on the source of the data, the degree to which data are incomplete or missing, the degree to which assumptions made to complete the datasets are accurate, errors in emission estimates, and other factors. The emission estimates considered in this analysis generally are annual totals for certain years, and they do not reflect short-term fluctuations during the course of a year or variations from year to year. The estimates of peak hourly emission rates for the acute effects screening assessment were based on maximum hourly emission rates and emission adjustment factors, which are intended to account for emission fluctuations due to normal facility operations.

b. Uncertainties in Dispersion Modeling

We recognize there is uncertainty in ambient concentration estimates associated with any model, including the EPA's recommended regulatory dispersion model, AERMOD. In using a model to estimate ambient pollutant concentrations, the user chooses certain options to apply. For RTR assessments, we select some model options that have the potential to overestimate ambient air concentrations (*e.g.,* not including plume depletion or pollutant transformation). We select other model options that have the potential to underestimate ambient impacts (*e.g.,* not including building downwash). Other options that we select have the potential to either under- or overestimate ambient levels (*e.g.,* meteorology and receptor locations). On balance, considering the directional nature of the uncertainties commonly present in ambient concentrations estimated by dispersion models, the approach we apply in the RTR assessments should yield unbiased estimates of ambient HAP concentrations. We also note that the selection of meteorology dataset location could have an impact on the risk estimates. As we continue to update and expand our library of meteorological station data used in our risk assessments, we expect to reduce this variability.

c. Uncertainties in Inhalation Exposure Assessment

Although every effort is made to identify all of the relevant facilities and emission points, as well as to develop accurate estimates of the annual emission rates for all relevant HAP, the uncertainties in our emission inventory likely dominate the uncertainties in the exposure assessment. Some uncertainties in our exposure assessment include human mobility, using the centroid of each census block, assuming lifetime exposure, and assuming only outdoor exposures. For

most of these factors, there is neither an under nor overestimate when looking at the maximum individual risks or the incidence, but the shape of the distribution of risks may be affected. With respect to outdoor exposures, actual exposures may not be as high if people spend time indoors, especially for very reactive pollutants or larger particles. For all factors, we reduce uncertainty when possible. For example, with respect to census-block centroids, we analyze large blocks using aerial imagery and adjust locations of the block centroids to better represent the population in the blocks. We also add additional receptor locations where the population of a block is not well represented by a single location.

d. Uncertainties in Dose-Response Relationships

There are uncertainties inherent in the development of the dose-response values used in our risk assessments for cancer effects from chronic exposures and noncancer effects from both chronic and acute exposures. Some uncertainties are generally expressed quantitatively, and others are generally expressed in qualitative terms. We note, as a preface to this discussion, a point on dose-response uncertainty that is stated in the EPA's *2005 Cancer Guidelines;* namely, that ''the primary goal of EPA actions is protection of human health; accordingly, as an Agency policy, risk assessment procedures, including default options that are used in the absence of scientific data to the contrary, should be health protective'' (EPA's *2005 Cancer Guidelines,* pages 1–7). This is the approach followed here as summarized in the next paragraphs.

Cancer UREs used in our risk assessments are those that have been developed to generally provide an upper bound estimate of risk. That is, they represent a ''plausible upper limit to the true value of a quantity'' (although this is usually not a true statistical confidence limit).[12] In some circumstances, the true risk could be as low as zero; however, in other circumstances the risk could be greater.[13] Chronic noncancer RfC and reference dose (RfD) values represent chronic exposure levels that are intended to be health-protective levels. To derive dose-response values that are intended to be ''without appreciable risk,'' the methodology relies upon an uncertainty factor (UF) approach (U.S. EPA, 1993 and 1994) which considers uncertainty, variability, and gaps in the available data. The UFs are applied to derive dose-response values that are intended to protect against appreciable risk of deleterious effects.

Many of the UFs used to account for variability and uncertainty in the development of acute dose-response values are quite similar to those developed for chronic durations. Additional adjustments are often applied to account for uncertainty in extrapolation from observations at one exposure duration (*e.g.,* 4 hours) to derive an acute dose-response value at another exposure duration (*e.g.,* 1 hour). Not all acute dose-response values are developed for the same purpose, and care must be taken when interpreting the results of an acute assessment of human health effects relative to the dose-response value or values being exceeded. Where relevant to the estimated exposures, the lack of acute dose-response values at different levels of severity should be factored into the risk characterization as potential uncertainties.

Uncertainty also exists in the selection of ecological benchmarks for the environmental risk screening assessment. We established a hierarchy of preferred benchmark sources to allow selection of benchmarks for each environmental HAP at each ecological assessment endpoint. We searched for benchmarks for three effect levels (*i.e.,* no-effects level, threshold-effect level, and probable effect level), but not all combinations of ecological assessment/environmental HAP had benchmarks for all three effect levels. Where multiple effect levels were available for a particular HAP and assessment endpoint, we used all of the available effect levels to help us determine whether risk exists and whether the risk could be considered significant and widespread.

For a group of compounds that are unspeciated (*e.g.,* glycol ethers), we conservatively use the most protective dose-response value of an individual compound in that group to estimate risk. Similarly, for an individual compound in a group (*e.g.,* ethylene glycol diethyl ether) that does not have a specified dose-response value, we also apply the most protective dose-response value from the other compounds in the group to estimate risk.

e. Uncertainties in Acute Inhalation Screening Assessments

In addition to the uncertainties highlighted above, there are several factors specific to the acute exposure assessment that the EPA conducts as part of the risk review under section 112 of the CAA. The accuracy of an acute inhalation exposure assessment depends on the simultaneous occurrence of independent factors that may vary greatly, such as hourly emissions rates, meteorology, and the presence of humans at the location of the maximum concentration. In the acute screening assessment that we conduct under the RTR program, we assume that peak emissions from the source category and worst-case meteorological conditions co-occur, thus, resulting in maximum ambient concentrations. These two events are unlikely to occur at the same time, making these assumptions conservative. We then include the additional assumption that a person is located at this point during this same time period. For this source category, these assumptions would tend to be worst-case actual exposures as it is unlikely that a person would be located at the point of maximum exposure during the time when peak emissions and worst-case meteorological conditions occur simultaneously.

IV. Analytical Results and Proposed Decisions

A. What are the results of the risk assessment and analyses?

1. Inhalation Risk Assessment Results

The results of the chronic inhalation cancer risk assessment, based on actual emissions, show the cancer MIR posed by the seven facilities is less than 1-in-1 million, with formaldehyde as the major contributor to the risk. The total estimated cancer incidence from this source category is 0.0003 excess cancer cases per year, or one excess case in every 3,000 years. No people were estimated to have cancer risks above 1-in-1 million from HAP emitted from the seven facilities in this source category. The maximum chronic noncancer HI value for the source category could be up to 0.006 (respiratory) driven by emissions of formaldehyde. No one is exposed to TOSHI levels above 1.

Risk results from the inhalation risk assessment using the MACT-allowable emissions indicate that the cancer MIR could be as high as 1-in-1 million with formaldehyde emissions driving the risks, and that the maximum chronic noncancer TOSHI value could be as high as 0.009 at the MACT-allowable

[12] IRIS glossary (*https://ofmpub.epa.gov/sor_internet/registry/termreg/searchandretrieve/glossariesandkeywordlists/search.do?details=&glossaryName=IRIS%20Glossary*).

[13] An exception to this is the URE for benzene, which is considered to cover a range of values, each end of which is considered to be equally plausible, and which is based on maximum likelihood estimates.

emissions level with formaldehyde emissions driving the TOSHI. The total estimated cancer incidence from this source category considering allowable emissions is expected to be about 0.0009 excess cancer cases per year or 1 excess case in every 1,000 years. Based on allowable emission rates, no people were estimated to have cancer risks above 1-in-1 million.

2. Acute Risk Results

Worst-case acute HQs were calculated for every HAP that has an acute dose-response value (formaldehyde and methanol). Based on actual emissions, the highest screening acute HQ value was 0.6 (based on the acute REL for formaldehyde). Since none of the screening HQ were greater than 1, further refinement of the estimates was not warranted.

3. Multipathway Risk Screening Results

No PB–HAP were emitted from this source category; therefore, a multipathway assessment was not warranted.

4. Environmental Risk Screening Results

We did not identify any PB–HAP or acid gas emissions from this source category. We are unaware of any adverse environmental effect caused by emissions of HAP that are emitted by the source category. Therefore, we do not expect an adverse environmental effect as a result of HAP emissions from this source category.

5. Facility-Wide Risk Results

The results of the facility-wide (both MACT and non-MACT sources) assessment indicate that four of the seven facilities included in the analysis have a facility-wide cancer MIR greater than 1-in-1 million. The maximum facility-wide cancer MIR is 6-in-1 million, mainly driven by formaldehyde emissions from non-MACT sources. The total estimated cancer incidence from the seven facilities is 0.001 excess cancer cases per year, or one excess case in every 1,000 years. Approximately 13,000 people were estimated to have cancer risks above 1-in-1 million from exposure to HAP emitted from both MACT and non-MACT sources of the seven facilities in this source category. The maximum facility-wide TOSHI for the source category is estimated to be less than 1 (at a respiratory HI of 0.5), mainly driven by emissions of acrylic acid and formaldehyde from non-MACT sources.

6. What demographic groups might benefit from this regulation?

To examine the potential for any environmental justice issues that might be associated with the source category, we performed a demographic analysis, which is an assessment of risks to individual demographic groups of the populations living within 5 km and within 50 km of the facilities. In the analysis, we evaluated the distribution of HAP-related cancer and noncancer risks from the Wet-Formed Fiberglass Mat Production source category across different demographic groups within the populations living near facilities.[14]

Results of the demographic analysis indicate that, for two of the 11 demographic groups, African American and people living below the poverty level, the percentage of the population living within 5 km of facilities in the source category is greater than the corresponding national percentage for the same demographic groups. When examining the risk levels of those exposed to source category emissions from the wet-formed fiberglass mat production facilities, we find that no one is exposed to a cancer risk at or above 1-in-1 million or to a chronic noncancer TOSHI greater than 1.

The methodology and the results of the demographic analysis are presented in a technical report, *Risk and Technology Review Analysis of Demographic Factors for Populations Living Near Wet-Formed Fiberglass Mat Production,* which is available in the docket for this action.

B. What are our proposed decisions regarding risk acceptability, ample margin of safety, and adverse environmental effects?

1. Risk Acceptability

As noted in section II.A of this preamble, the EPA sets standards under CAA section 112(f)(2) using ''a two-step standard-setting approach, with an analytical first step to determine an 'acceptable risk' that considers all health information, including risk estimation uncertainty, and includes a presumptive limit on MIR of approximately 1-in-10 thousand.'' (54 FR 38045, September 14, 1989).

In this proposal, the EPA estimated risks based on actual and allowable emissions from the Wet-Formed Fiberglass Mat Production source category. As discussed above, we consider our analysis of risk from allowable emissions to be conservative and, as such, to represent an upper bound estimate of risk from emissions allowed under the NESHAP for the source category.

The inhalation cancer risk to the individual most exposed to emissions from sources in the Wet-Formed Fiberglass Mat Production source category is less than 1-in-1 million, based on actual emissions. The estimated incidence of cancer due to inhalation exposure is 0.0003 excess cancer cases per year, or 1 case in 3,000 years, based on actual emissions. For allowable emissions, we estimate that the inhalation cancer risk to the individual most exposed to emissions from sources in this source category is 1-in-1 million. The estimated incidence of cancer due to inhalation exposure is 0.0009 excess cancer cases per year, or one case in every 1,000 years, based on allowable emissions.

The Agency estimates that the maximum chronic noncancer TOSHI from inhalation exposure is 0.006 due to actual emissions and 0.009 due to allowable emissions. The screening assessment of worst-case acute inhalation impacts from worst-case 1-hour emissions indicates that no HAP exceed an acute HQ of 1.

Since no PB–HAP are emitted by this source category, a multipathway risk assessment was not warranted.

In determining whether risk is acceptable, the EPA considered all available health information and risk estimation uncertainty, as described above. The results indicate that both the actual and allowable inhalation cancer risks to the individual most exposed are less than or equal to 1-in-1 million, well below the presumptive limit of acceptability of 100-in-1 million. The maximum chronic noncancer TOSHI due to inhalation exposures is less than 1 for actual and allowable emissions. Finally, the evaluation of acute noncancer risks was conservative and showed that acute risks are below a level of concern. Further, since no PB–HAP are emitted, no multipathway risks are expected as a result of HAP emissions from this source category.

Taking into account this information, the EPA proposes that the risk remaining after implementation of the of the existing MACT standards for the Wet-Formed Fiberglass Mat Production source category is acceptable.

2. Ample Margin of Safety

Under the ample margin of safety analysis, we evaluated the cost and feasibility of available control

[14] Demographic groups included in the analysis are: White, African American, Native American, other races and multiracial, Hispanic or Latino, children 17 years of age and under, adults 18 to 64 years of age, adults 65 years of age and over, adults without a high school diploma, people living below the poverty level, and linguistically isolated people.

technologies and other measures (including the controls, measures, and costs reviewed under the technology review) that could be applied in this source category to further reduce the risks (or potential risks) due to emissions of HAP, considering all of the health risks and other health information considered in the risk acceptability determination described above. In this analysis, we considered the results of the technology review, risk assessment, and other aspects of our MACT rule review to determine whether there are any cost-effective controls or other measures that would reduce emissions further and would be necessary to provide an ample margin of safety to protect public health.

Our risk analysis indicated the risks from the source category are low for both cancer and noncancer health effects, and, therefore, any risk reductions, from further available control options would result in minimal health benefits. Moreover, as noted in our discussion of the technology review in section IV.C of this preamble, no additional measures were identified for reducing HAP emissions from affected sources in the Wet-Formed Fiberglass Mat Production source category. Thus, we are proposing that the 2002 Wet-Formed Fiberglass Mat Production NESHAP requirements provide an ample margin of safety to protect public health.

3. Adverse Environmental Effects

We did not identify emissions of any of the seven environmental HAP included in our environmental risk screening, and we are unaware of any adverse environmental effects caused by HAP emitted by the Wet-Formed Fiberglass Mat Production source category. Therefore, we do not expect adverse environmental effects as a result of HAP emissions from this source category and we are proposing that it is not necessary to set a more stringent standard to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect.

C. What are the results and proposed decisions based on our technology review?

As described in section III.B of this preamble, our technology review focused on identifying developments in practices, processes, and control technologies for control of formaldehyde emissions from drying and curing ovens at wet-formed fiberglass mat production facilities. In conducting the technology review, we reviewed various informational sources regarding the emissions from drying and curing ovens. The review included a search of the RBLC database and reviews of air permits for wet-formed fiberglass mat production facilities, regulatory actions for emission sources similar to mat drying and curing ovens, and a review of relevant literature. We reviewed these data sources for information on practices, processes, and control technologies that were not considered during the development of the Wet-Formed Fiberglass Mat Production NESHAP. We also looked for information on improvements in practices, processes, and control technologies that have occurred since development of the Wet-Formed Fiberglass Mat Production NEHSAP.

After reviewing information from the aforementioned sources, we did not identify any developments in practices, processes, or control technologies to reduce formaldehyde emissions from the drying and curing ovens used at wet-formed fiberglass mat production facilities. We considered the following four control technologies and processes in our review: carbon absorbers, biofilters, thermal oxidizers, and low-HAP or no-HAP binder formulations. Due to the characteristics of the drying and curing oven exhaust, we concluded that neither carbon adsorbers or biofilters are technically feasible control options. Further, while advancements have been made with low and no-HAP binder formulations, they are not broadly available for the various types of wet-formed fiberglass produced. For example, some wet-formed fiberglass products are used in roofing applications, and mats that are produced with low or no-HAP binders tend to sag, shrink, or become distorted when they come into contact with hot asphalt used in roofing applications. Therefore, we concluded the use of low or no-HAP binder formulations is not a technically feasible process change. We considered improvements in thermal oxidizers given they were identified as technically feasible for reducing HAP emission from drying and curing ovens in the 2002 rulemaking and because all facilities currently subject to 40 CFR part 63, subpart HHHH use thermal oxidizers to reduce formaldehyde emissions. We did not identify any improvements in performance of thermal oxidizers at existing facilities that consistently demonstrated greater reduction in formaldehyde emissions than is currently required by the NESHAP. Furthermore, a more stringent standard could have the perverse environmental impact of increasing HAP emissions. As owner/operators move towards use of lower HAP binders, HAP emissions are reduced. However, due to the relatively dilute HAP emissions in the exhaust gases, it becomes more difficult to maintain high percent reductions in emissions. A more stringent standard would likely require the refurbishment or replacement of existing thermal oxidizers and could slow the development and adoption of the lower HAP binders. Finally, there are cost considerations that militate against setting more stringent standards for formaldehyde under CAA section 112(d(6). For example, any new facility that becomes subject to 40 CFR part 63, subpart HHHH would likely be a rebuilt line at an existing location and would likely use the existing thermal oxidizer rather than installing a new thermal oxidizer. A more stringent standard could instead require the replacement of the existing thermal oxidizer, resulting in a large capital expenditure for minor HAP reductions.

Based on the technology review, we determined that there are no cost-effective developments in practices, processes, and control technologies that warrant revisions to the MACT standards for this source category. Therefore, we are not proposing revisions to 40 CFR part 63, subpart HHHH under CAA section 112(d)(6). Additional details of our technology review can be found in the memorandum, *Section 112(d)(6) Technology Review for Wet-Formed Fiberglass Mat Production,* which is available in the docket for this action. We solicit comment on our proposed decision.

D. What other actions are we proposing?

In addition to the proposed actions described above, the EPA is proposing additional revisions. We are proposing revisions to the SSM provisions of the MACT rule in order to ensure that they are consistent with the Court decision in *Sierra Club* v. *EPA,* 551 F. 3d 1019 (D.C. Cir. 2008), which vacated two provisions that exempted sources from the requirement to comply with otherwise applicable CAA section 112(d) emission standards during periods of SSM. We also are proposing various other changes to monitoring, recordkeeping, and reporting requirements and miscellaneous technical and editorial changes to the regulatory text. Our analyses and proposed changes related to these issues are discussed below.

1. Startup, Shutdown, and Malfunction Requirements

In its 2008 decision in *Sierra Club* v. *EPA,* 551 F.3d 1019 (D.C. Cir. 2008), the

Court vacated portions of two provisions in the EPA's CAA section 112 regulations governing the emissions of HAP during periods of SSM. Specifically, the Court vacated the SSM exemption contained in 40 CFR 63.6(f)(1) and 40 CFR 63.6(h)(1), holding that under section 302(k) of the CAA, emissions standards or limitations must be continuous in nature and that the SSM exemption violates the CAA's requirement that some CAA section 112 standards apply continuously.

We are proposing the elimination of the SSM exemption in this rule which appears at 40 CFR 63.2986(g)(1). Consistent with *Sierra Club* v. *EPA,* we are proposing standards in this rule that apply at all times. We are also proposing several revisions to Table 2 to 40 CFR part 63, subpart HHHH (the General Provisions Applicability Table) as is explained in more detail below. For example, we are proposing to eliminate the incorporation of the General Provisions' requirement that the source develop an SSM plan. We also are proposing to eliminate and revise certain recordkeeping and reporting requirements related to the SSM exemption as further described below.

The EPA has attempted to ensure that the provisions we are proposing to eliminate are inappropriate, unnecessary, or redundant in the absence of the SSM exemption. We are specifically seeking comment on whether we have successfully done so.

In proposing the standards in this rule, the EPA has taken into account startup and shutdown periods and, for the reasons explained below, has not proposed alternate standards for those periods.

Periods of startup, normal operations, and shutdown are all predictable and routine aspects of a source's operations. Owners and operators of all seven wet-formed fiberglass mat production facilities employ thermal oxidizer controls to limit emissions from drying and curing ovens. Ovens along with their thermal oxidizer controls begin operating and reach designated operational temperatures prior to fiberglass mat first entering the oven and remain operating at those temperatures at least until mat is no longer being dried and cured in the oven. Because thermal oxidizer controls are employed during all periods that the drying and curing oven is processing fiberglass mat, there is no need to establish separate formaldehyde standards for periods of startup and shutdown. We do, however, find it necessary to propose establishing definitions of startup and shutdown for purposes of 40 CFR part 63, subpart HHHH. The proposed definitions are needed to clarify that it is not the setting in operation of, and cessation of operation of, the drying and curing oven (*i.e.,* affected source) that accurately define startup and shutdown, but, rather, the setting in operation of, and cessation of operation of, the drying and curing of wet-formed fiberglass mat. The formaldehyde standards can only be met during periods that fiberglass mat is being dried and cured in the oven. Therefore, it is appropriate to define startup and shutdown on such periods.

Malfunctions, in contrast, are neither predictable nor routine. Instead, they are, by definition, sudden, infrequent and not reasonably preventable failures of emissions control, process or monitoring equipment. (40 CFR 63.2) (Definition of malfunction). The EPA interprets CAA section 112 as not requiring emissions that occur during periods of malfunction to be factored into development of CAA section 112 standards and this reading has been upheld as reasonable by the Court in *U.S. Sugar Corp.* v. *EPA,* 830 F.3d 579, 606–610 (2016). Under CAA section 112, emissions standards for new sources must be no less stringent than the level ''achieved'' by the best controlled similar source and for existing sources generally must be no less stringent than the average emission limitation ''achieved'' by the best performing 12 percent of sources in the category. There is nothing in CAA section 112 that directs the Agency to consider malfunctions in determining the level ''achieved'' by the best performing sources when setting emission standards. As the Court has recognized, the phrase ''average emissions limitation achieved by the best performing 12 percent of'' sources ''says nothing about how the performance of the best units is to be calculated.'' *Nat'l Ass'n of Clean Water Agencies* v. *EPA,* 734 F.3d 1115, 1141 (D.C. Cir. 2013). While the EPA accounts for variability in setting emissions standards, nothing in CAA section 112 requires the Agency to consider malfunctions as part of that analysis. The EPA is not required to treat a malfunction in the same manner as the type of variation in performance that occurs during routine operations of a source. A malfunction is a failure of the source to perform in a ''normal or usual manner'' and no statutory language compels the EPA to consider such events in setting CAA section 112 standards.

As the Court recognized in *U.S. Sugar Corp,* accounting for malfunctions in setting standards would be difficult, if not impossible, given the myriad different types of malfunctions that can occur across all sources in the category and given the difficulties associated with predicting or accounting for the frequency, degree, and duration of various malfunctions that might occur. *Id.* at 608 (''the EPA would have to conceive of a standard that could apply equally to the wide range of possible boiler malfunctions, ranging from an explosion to minor mechanical defects. Any possible standard is likely to be hopelessly generic to govern such a wide array of circumstances.'') As such, the performance of units that are malfunctioning is not ''reasonably'' foreseeable. See, *e.g., Sierra Club* v. *EPA,* 167 F.3d 658, 662 (D.C. Cir. 1999) (''The EPA typically has wide latitude in determining the extent of data-gathering necessary to solve a problem. We generally defer to an agency's decision to proceed on the basis of imperfect scientific information, rather than to 'invest the resources to conduct the perfect study.' '') See also, *Weyerhaeuser v. Costle,* 590 F.2d 1011, 1058 (D.C. Cir. 1978) (''In the nature of things, no general limit, individual permit, or even any upset provision can anticipate all upset situations. After a certain point, the transgression of regulatory limits caused by 'uncontrollable acts of third parties,' such as strikes, sabotage, operator intoxication or insanity, and a variety of other eventualities, must be a matter for the administrative exercise of case-by-case enforcement discretion, not for specification in advance by regulation.''). In addition, emissions during a malfunction event can be significantly higher than emissions at any other time of source operation. For example, if an air pollution control device with 99-percent removal goes off-line as a result of a malfunction (as might happen if, for example, the bags in a baghouse catch fire) and the emission unit is a steady state type unit that would take days to shut down, the source would go from 99-percent control to zero control until the control device was repaired. The source's emissions during the malfunction would be 100 times higher than during normal operations. As such, the emissions over a 4-day malfunction period would exceed the annual emissions of the source during normal operations. As this example illustrates, accounting for malfunctions could lead to standards that are not reflective of (and significantly less stringent than) levels that are achieved by a well-performing non-malfunctioning source. It is reasonable to interpret CAA section 112 to avoid such a result. The EPA's

approach to malfunctions is consistent with CAA section 112 and is a reasonable interpretation of the statute.

Although no statutory language compels EPA to set standards for malfunctions, the EPA has the discretion to do so where feasible. For example, in the Petroleum Refinery Sector Risk and Technology Review, the EPA established a work practice standard for unique types of malfunction that result in releases from pressure relief devices or emergency flaring events because the EPA had information to determine that such work practices reflected the level of control that applies to the best performers. 80 FR 75178, 75211–14 (December 1, 2015). The EPA will consider whether circumstances warrant setting standards for a particular type of malfunction and, if so, whether the EPA has sufficient information to identify the relevant best performing sources and establish a standard for such malfunctions. We also encourage commenters to provide any such information.

In the event that a source fails to comply with the applicable CAA section 112(d) standards as a result of a malfunction event, the EPA would determine an appropriate response based on, among other things, the good faith efforts of the source to minimize emissions during malfunction periods, including preventative and corrective actions, as well as root cause analyses to ascertain and rectify excess emissions. The EPA would also consider whether the source's failure to comply with the CAA section 112(d) standard was, in fact, sudden, infrequent, not reasonably preventable and was not instead caused in part by poor maintenance or careless operation. 40 CFR 63.2 (definition of malfunction).

If the EPA determines in a particular case that an enforcement action against a source for violation of an emission standard is warranted, the source can raise any and all defenses in that enforcement action and the federal district court will determine what, if any, relief is appropriate. The same is true for citizen enforcement actions. Similarly, the presiding officer in an administrative proceeding can consider any defense raised and determine whether administrative penalties are appropriate.

In summary, the EPA interpretation of the CAA and, in particular, CAA section 112 is reasonable and encourages practices that will avoid malfunctions. Administrative and judicial procedures for addressing exceedances of the standards fully recognize that violations may occur despite good faith efforts to comply and can accommodate those situations. *U.S. Sugar Corp.* v. *EPA,* 830 F.3d 579, 606–610 (2016).

a. 40 CFR 63.2986 General Duty

We are proposing to revise the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.6(e)(1)(i) by changing the ''yes'' in column 3 to a ''no.'' Section 63.6(e)(1)(i) describes the general duty to minimize emissions. Some of the language in that section is no longer necessary or appropriate in light of the elimination of the SSM exemption. We are proposing instead to add general duty regulatory text at 40 CFR 63.2986(g) that reflects the general duty to minimize emissions while eliminating the reference to periods covered by an SSM exemption. The current language in 40 CFR 63.6(e)(1)(i) characterizes what the general duty entails during periods of SSM. With the elimination of the SSM exemption, there is no need to differentiate between normal operations, startup and shutdown, and malfunction events in describing the general duty. Therefore, the language the EPA is proposing for 40 CFR 63.2986(g) does not include that language from 40 CFR 63.6(e)(1).

We are also proposing to revise the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.6(e)(1)(ii) by changing the ''yes'' in column 3 to a ''no.'' Section 63.6(e)(1)(ii) imposes requirements that are not necessary with the elimination of the SSM exemption or are redundant with the general duty requirement being added at 40 CFR 63.2986.

b. SSM Plan

We are proposing to revise the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.6(e)(3) by changing the ''yes'' in column 3 to a ''no.'' Generally, these paragraphs require development of an SSM plan and specify SSM recordkeeping and reporting requirements related to the SSM plan. As noted, the EPA is proposing to remove the SSM exemptions. Therefore, affected units will be subject to an emission standard during such events. The applicability of a standard during such events will ensure that sources have ample incentive to plan for and achieve compliance and, thus, the SSM plan requirements are no longer necessary.

c. Compliance With Standards

We are proposing to revise the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.6(f)(1) by changing the ''yes'' in column 3 to a ''no.'' The current language of 40 CFR 63.6(f)(1) exempts sources from non-opacity standards during periods of SSM. As discussed above, the Court in *Sierra Club* vacated the exemptions contained in this provision and held that the CAA requires that some CAA section 112 standards apply continuously. Consistent with *Sierra Club,* the EPA is proposing to revise standards in this rule to apply at all times.

d. 40 CFR 63.2992 Performance Testing

We are proposing to revise the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.7(e)(1) by changing the ''yes'' in column 3 to a ''no.'' Section 63.7(e)(1) describes performance testing requirements. The EPA is instead proposing to add a performance testing requirement at 40 CFR 63.2992(e). The performance testing requirements we are proposing to add differ from the General Provisions performance testing provisions in several respects. The regulatory text does not include the language in 40 CFR 63.7(e)(1) that restated the SSM exemption and language that precluded startup and shutdown periods from being considered ''representative'' for purposes of performance testing. The proposed performance testing provisions exclude periods of startup and shutdown. As in 40 CFR 63.7(e)(1), performance tests conducted under this subpart should not be conducted during malfunctions because conditions during malfunctions are often not representative of normal operating conditions. The EPA is proposing to add language that requires the owner or operator to record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent normal operation. Section 63.7(e) requires that the owner or operator make available to the Administrator such records ''as may be necessary to determine the condition of the performance test'' available to the Administrator upon request, but does not specifically require the information to be recorded. The regulatory text the EPA is proposing to add to this provision builds on that requirement and makes explicit the requirement to record the information.

e. Monitoring

We are proposing to revise the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.8(c)(1)(i) and (iii) by changing the ''yes'' in column 3 to a

''no.'' The cross-references to the general duty and SSM plan requirements in those subparagraphs are not necessary in light of other requirements of 40 CFR 63.8 that require good air pollution control practices (40 CFR 63.8(c)(1)) and that set out the requirements of a quality control program for monitoring equipment (40 CFR 63.8(d)).

We are proposing to revise the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.8(d)(3) by changing the ''yes'' in column 3 to a ''no.'' The final sentence in 40 CFR 63.8(d)(3) refers to the General Provisions' SSM plan requirement which is no longer applicable. The EPA is proposing to add to the rule at 40 CFR 63.2994(a)(2) text that is identical to 40 CFR 63.8(d)(3) except that the final sentence is replaced with the following sentence: ''The program of corrective action should be included in the plan required under § 63.8(d)(2).''

f. 40 CFR 63.2998 Recordkeeping

We are proposing to revise the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.10(b)(2)(i) by changing the ''yes'' in column 3 to a ''no.'' Section 63.10(b)(2)(i) describes the recordkeeping requirements during startup and shutdown. These recording provisions are no longer necessary because the EPA is proposing that recordkeeping and reporting applicable to normal operations will apply to startup and shutdown. In the absence of special provisions applicable to startup and shutdown, such as a startup and shutdown plan, there is no reason to retain additional recordkeeping for startup and shutdown periods.

We are proposing to revise the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.10(b)(2)(ii) by changing the ''yes'' in column 3 to a ''no.'' Section 63.10(b)(2)(ii) describes the recordkeeping requirements during a malfunction. The EPA is proposing to add such requirements to 40 CFR 63.2998(e). The regulatory text we are proposing to add differs from the General Provisions it is replacing in that the General Provisions requires the creation and retention of a record of the occurrence and duration of each malfunction of process, air pollution control, and monitoring equipment. The EPA is proposing that this requirement apply to any failure to meet an applicable standard and is requiring that the source record the date, time, and duration of the failure rather than the ''occurrence.'' The EPA is also proposing to add to 40 CFR 63.2998(e) a requirement that sources keep records that include a list of the affected source or equipment and actions taken to minimize emissions, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions. Examples of such methods would include product-loss calculations, mass balance calculations, measurements when available, or engineering judgment based on known process parameters. The EPA is proposing to require that sources keep records of this information to ensure that there is adequate information to allow the EPA to determine the severity of any failure to meet a standard, and to provide data that may document how the source met the general duty to minimize emissions when the source has failed to meet an applicable standard.

We are proposing to revise the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.10(b)(2)(iv) by changing the ''yes'' in column 3 to a ''no.'' When applicable, the provision requires sources to record actions taken during SSM events when actions were inconsistent with their SSM plan. The requirement is no longer appropriate because SSM plans will no longer be required. The requirement previously applicable under 40 CFR 63.10(b)(2)(iv)(B) to record actions to minimize emissions and record corrective actions is now applicable by reference to 40 CFR 63.2988(e).

We are proposing to revise the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.10(b)(2)(v) by changing the ''yes'' in column 3 to a ''no.'' When applicable, the provision requires sources to record actions taken during SSM events to show that actions taken were consistent with their SSM plan. The requirement is no longer appropriate because SSM plans will no longer be required.

We are proposing to revise the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.10(c)(15) by changing the ''yes'' in column 3 to a ''no.'' The EPA is proposing that 40 CFR 63.10(c)(15) no longer apply. When applicable, the provision allows an owner or operator to use the affected source's SSM plan or records kept to satisfy the recordkeeping requirements of the SSM plan, specified in 40 CFR 63.6(e), to also satisfy the requirements of 40 CFR 63.10(c)(10) through (12). The EPA is proposing to eliminate this requirement because SSM plans would no longer be required, and, therefore, 40 CFR 63.10(c)(15) no longer serves any useful purpose for affected units.

g. 40 CFR 63.3000 Reporting

We are proposing to revise the General Provisions table (Table 2 to 40 CFR part 63, subpart HHHH) entry for 40 CFR 63.10(d)(5) by changing the ''yes'' in column 3 to a ''no.'' Section 63.10(d)(5) describes the reporting requirements for startups, shutdowns, and malfunctions. To replace the General Provisions reporting requirement, the EPA is proposing to add reporting requirements to 40 CFR 63.3000(c). The replacement language differs from the General Provisions requirement in that it eliminates periodic SSM reports as a stand-alone report. We are proposing language that requires sources that fail to meet an applicable standard at any time to report the information concerning such events in a compliance report already required under this rule on a semiannual basis. We are proposing that the report must contain the number, date, time, duration, and the cause of such events (including unknown cause, if applicable), a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit, and a description of the method used to estimate the emissions.

Examples of such methods would include product-loss calculations, mass balance calculations, measurements when available, or engineering judgment based on known process parameters. The EPA is proposing this requirement to ensure that there is adequate information to determine compliance, to allow the EPA to determine the severity of the failure to meet an applicable standard, and to provide data that may document how the source met the general duty to minimize emissions during a failure to meet an applicable standard.

We will no longer require owners or operators to determine whether actions taken to correct a malfunction are consistent with an SSM plan, because plans would no longer be required. The proposed amendments, therefore, eliminate the cross reference to 40 CFR 63.10(d)(5)(i) that contains the description of the previously required SSM report format and submittal schedule from this section. These specifications are no longer necessary because the events will be reported in otherwise required reports with similar format and submittal requirements.

The proposed amendments also eliminate the cross reference to 40 CFR 63.10(d)(5)(ii). Section 63.10(d)(5)(ii)

describes an immediate report for startups, shutdowns, and malfunctions when a source failed to meet an applicable standard, but did not follow the SSM plan. We will no longer require owners and operators to report when actions taken during a startup, shutdown, or malfunction were not consistent with an SSM plan, because plans would no longer be required.

h. Definitions

We are proposing that definitions of ''Startup'' and ''Shutdown'' be added to 40 CFR 63.3004. The current rule relies on the 40 CFR part 63, subpart A, definitions of these terms which are based on the setting in operation of, and cessation of operation of, the affected source (*i.e.,* drying and curing oven). As previously explained in this section, the formaldehyde standards can only be met during periods that fiberglass mat is being dried and cured in the oven. Because we are proposing that standards in this rule apply at all times, we find it appropriate to propose definitions of startup and shutdown based on these periods to clarify that it is the setting in operation of, and cessation of operation of, the drying and curing of wet-formed fiberglass mat that define startup and shutdown for purposes of 40 CFR part 63, subpart HHHH. The new definition of ''Startup'' being proposed reads: ''*Startup* means the setting in operation of the drying and curing of wet-formed fiberglass mat for any purpose. Startup begins when resin infused fiberglass mat enters the oven to be dried and cured for the first time or after a shutdown event.'' The new definition of ''Shutdown'' being proposed reads: ''*Shutdown* means the cessation of operation of the drying and curing of wet-formed fiberglass mat for any purpose. Shutdown ends when fiberglass mat is no longer being dried or cured in the oven and the oven no longer contains any resin infused binder.''

We are proposing that the definition of ''Deviation'' in 40 CFR 63.3004 be revised to remove language that differentiates between normal operations, startup and shutdown, and malfunction events. The current definition of ''Deviation'' is ''any instance in which an affected source subject to this subpart, or an owner or operator of such a source: (1) Fails to meet any requirement or obligation established by this subpart, including, but not limited to, any emission limit, or operating limit, or work practice standard; (2) fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or (3) fails to meet any emission limit, or operating limit, or work practice standard in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this subpart.'' The revised definition of ''Deviation'' being proposed which eliminates the third criteria reads: ''*Deviation* means any instance in which an affected source subject to this subpart, or an owner or operator of such a source: (1) Fails to meet any requirement or obligation established by this subpart including, but not limited to, any emission limit, operating limit, or work practice standard; or (2) fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit.''

2. Monitoring, Recordkeeping, and Reporting Requirements

The EPA proposes to revise the rule's monitoring, recordkeeping, and reporting requirements in three ways: (1) Performance test results would be submitted electronically; (2) compliance reports would be submitted semiannually when deviations from applicable standards occur; and (3) parameter monitoring would no longer be required during periods when a non-HAP binder is being used.

a. Electronic Reporting

40 CFR part 63, subpart HHHH does not currently require electronic reporting. Through this action, the EPA is proposing that owners and operators of wet-formed fiberglass mat production facilities subject to 40 CFR part 63, subpart HHHH, submit electronic copies of required performance test reports through the EPA's Central Data Exchange (CDX) using the Compliance and Emissions Data Reporting Interface (CEDRI). The EPA believes that the electronic submittal of the reports addressed in this proposed rulemaking will increase the usefulness of the data contained in those reports, is in keeping with current trends in data availability, will further assist in the protection of public health and the environment, and will ultimately result in less burden on the regulated community. Under current requirements, paper test reports are often stored in filing cabinets or boxes, which make the reports more difficult to obtain and use for data analysis and sharing. Electronic storage of such reports would make data more accessible for review, analyses, and sharing. Electronic reporting also eliminates paper-based, manual processes, thereby saving time and resources, simplifying data entry, eliminating redundancies, minimizing data reporting errors, and providing data quickly and accurately to affected facilities, air agencies, the EPA, and the public.

In 2011, in response to Executive Order 13563, the EPA developed a plan [15] to periodically review its regulations to determine if they should be modified, streamlined, expanded, or repealed in an effort to make regulations more effective and less burdensome. The plan includes replacing outdated paper reporting with electronic reporting. In keeping with this plan and the White House's Digital Government Strategy,[16] in 2013 the EPA issued an agency-wide policy specifying that new regulations will require reports to be electronic to the maximum extent possible.[17] By proposing electronic submission of performance test reports for 40 CFR part 63, subpart HHHH facilities, the EPA is taking steps to implement this policy.

The EPA website that stores the submitted electronic data, WebFIRE, is easily accessible to everyone and provides a user-friendly interface that any stakeholder can access. By making data readily available, electronic reporting increases the amount of data that can be used for many purposes. One example is the development of emissions factors. An emissions factor is a representative value that attempts to relate the quantity of a pollutant released to the atmosphere with an activity associated with the release of that pollutant (*e.g.,* kg of particulate emitted per Mg of coal burned). Such factors facilitate the estimation of emissions from various sources of air pollution and are an important tool in developing emissions inventories, which in turn are the basis for numerous efforts, including trends analysis, regional and local scale air quality modeling, regulatory impact assessments, and human exposure modeling. Emissions factors are also widely used in regulatory applicability

[15] EPA's *Improving Our Regulations: Final Plan for Periodic Retrospective Reviews of Existing Regulations,* August 2011. Available at: *https://www.regulations.gov, Document ID No. EPA–HQ–OA–2011–0156–0154.*

[16] *Digital Government: Building a 21st Century Platform to Better Serve the American People,* May 2012. Available at: *https://obamawhitehouse.archives.gov/sites/default/files/omb/egov/digital-government/digital-government.html.*

[17] *E-Reporting Policy Statement for EPA Regulations,* September 2013. Available at: *https://www.epa.gov/sites/production/files/2016-03/documents/epa-ereporting-policy-statement-2013-09-30.pdf.*

determinations and in permitting decisions.

The EPA has received feedback from stakeholders asserting that many of the EPA's emissions factors are outdated or not representative of a particular industry emission source. While the EPA believes that the emissions factors are suitable for their intended purpose, we recognize that the quality of emissions factors varies based on the extent and quality of underlying data. We also recognize that emissions profiles on different pieces of equipment can change over time due to a number of factors (fuel changes, equipment improvements, industry work practices), and it is important for emissions factors to be updated to keep up with these changes. The EPA is currently pursuing emissions factor development improvements that include procedures to incorporate the source test data that we are proposing be submitted electronically. By requiring the electronic submission of the reports identified in this proposed action, the EPA would be able to access and use the submitted data to update emissions factors more quickly and efficiently, creating factors that are characteristic of what is currently representative of the relevant industry sector. Likewise, an increase in the number of test reports used to develop the emissions factors would provide more confidence that the factor is of higher quality and representative of the whole industry sector.

Additionally, by making the reports addressed in this proposed rulemaking readily available, the EPA, the regulated community, and the public will benefit when the EPA conducts its CAA-required technology and risk-based reviews. As a result of having performance test reports and air emission data readily accessible, our ability to carry out comprehensive reviews will be increased and achieved within a shorter period of time. These data will provide useful information on control efficiencies being achieved and maintained in practice within a source category and across source categories for regulated sources and pollutants. These reports can also be used to inform the technology-review process by providing information on improvements to add-on technology and new control technology.

Under an electronic reporting system, the EPA's Office of Air Quality Planning and Standards (OAQPS) would have air emissions and performance test data in hand; OAQPS would not have to collect these data from the EPA Regional offices or from delegated air agencies or industry sources in cases where these reports are not submitted to the EPA Regional offices. Thus, we anticipate fewer or less substantial information collection requests (ICRs) may be needed in conjunction with prospective CAA-required technology and risk-based reviews. We expect this to result in a decrease in time spent by industry to respond to data collection requests. We also expect the ICRs to contain less extensive stack testing provisions, as we will already have stack test data electronically. Reduced testing requirements would be a cost savings to industry. The EPA should also be able to conduct these required reviews more quickly, as OAQPS will not have to include the ICR collection time in the process or spend time collecting reports from the EPA Regional offices. While the regulated community may benefit from a reduced burden of ICRs, the general public benefits from the agency's ability to provide these required reviews more quickly, resulting in increased public health and environmental protection.

Electronic reporting minimizes submission of unnecessary or duplicative reports in cases where facilities report to multiple government agencies and the agencies opt to rely on the EPA's electronic reporting system to view report submissions. Where air agencies continue to require a paper copy of these reports and will accept a hard copy of the electronic report, facilities will have the option to print paper copies of the electronic reporting forms to submit to the air agencies, and, thus, minimize the time spent reporting to multiple agencies. Additionally, maintenance and storage costs associated with retaining paper records could likewise be minimized by replacing those records with electronic records of electronically submitted data and reports.

Air agencies could benefit from more streamlined and automated review of the electronically submitted data. For example, because performance test data would be readily-available in standard electronic format, air agencies would be able to review reports and data electronically rather than having to conduct a review of the reports and data manually. Having reports and associated data in electronic format facilitates review through the use of software ''search'' options, as well as the downloading and analyzing of data in spreadsheet format. Additionally, air agencies would benefit from the reported data being accessible to them through the EPA's electronic reporting system wherever and whenever they want or need access (as long as they have access to the internet). The ability to access and review reports electronically assists air agencies in determining compliance with applicable regulations more quickly and accurately, potentially allowing a faster response to violations, which could minimize harmful air emissions. This benefits both air agencies and the general public.

The proposed electronic reporting of test data is consistent with electronic data trends (*e.g.,* electronic banking and income tax filing). Electronic reporting of environmental data is already common practice in many media offices at the EPA. The changes being proposed in this rulemaking are needed to continue the EPA's transition to electronic reporting.

Additionally, we have identified two broad circumstances in which electronic reporting extensions may be provided. In both circumstances, the decision to accept your claim of needing additional time to report is within the discretion of the Administrator, and reporting should occur as soon as possible.

In 40 CFR 63.3000, we address the situation where an extension may be warranted due to outages of the EPA's CDX or CEDRI which preclude you from accessing the system and submitting required reports. If either the CDX or CEDRI is unavailable at any time beginning 5 business days prior to the date that the submission is due, and the unavailability prevents you from submitting a report by the required date, you may assert a claim of EPA system outage. We consider 5 business days prior to the reporting deadline to be an appropriate timeframe because if the system is down prior to this time, you still have 1 week to complete reporting once the system is back online. However, if the CDX or CEDRI is down during the week a report is due, we realize that this could greatly impact your ability to submit a required report on time. We will notify you about known outages as far in advance as possible by CHIEF Listserv notice, posting on the CEDRI website, and posting on the CDX website so that you can plan accordingly and still meet your reporting deadline. However, if a planned or unplanned outage occurs and you believe that it will affect or it has affected your ability to comply with an electronic reporting requirement, we have provided a process to assert such a claim.

In 40 CFR 63.3000, we address the situation where an extension may be warranted due to a force majeure event, which is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that

prevents you from complying with the requirement to submit a report electronically as required by this rule. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazards beyond the control of the facility. If such an event occurs or is still occurring or if there are still lingering effects of the event in the 5 business days prior to a submission deadline, we have provided a process to assert a claim of force majeure.

We are providing these potential extensions to protect you from noncompliance in cases where you cannot successfully submit a report by the reporting deadline for reasons outside of your control as described above. We are not providing an extension for other instances. You should register for CEDRI far in advance of the initial compliance date, in order to make sure that you can complete the identity proofing process prior to the initial compliance date. Additionally, we recommend you start developing reports early, in case any questions arise during the reporting process.

b. Frequency of Compliance Reports

Section 63.3000(c) of the current rule requires owners and operators of wet-formed fiberglass mat production facilities subject to 40 CFR part 63, subpart HHHH, to submit compliance reports on a semiannual basis unless there are deviations from emission limits or operating limits. In those instances, the current rule requires that compliance reports be submitted on a quarterly basis. The EPA is proposing to revise 40 CFR 63.3000(c) to require that compliance reports be submitted on a semiannual basis in all instances. Reporting on a semiannual basis will adequately provide a check on the operation and maintenance of process, control, and monitoring equipment and identify any problems with complying with rule requirements.

c. Parameter Monitoring and Recording During Use of Binder Containing No HAP

Section 63.2984 of the current rule requires owners and operators of wet-formed fiberglass mat production facilities subject to 40 CFR part 63, subpart HHHH to maintain the operating parameters established during the most recent performance test. Sections 63.2996 and 63.2998 of the current rule require owners and operators to monitor and record the parameters listed in Table 1 to subpart HHHH. The EPA is proposing that during periods when the binder formulation being used to produce mat does not contain any HAP (*i.e.,* formaldehyde or any other HAP listed under section 112(b) of the CAA), owners and operators would not be required to monitor or record any of the parameters listed in Table 1 to 40 CFR part 63, subpart HHHH, including control device parameters. For each of these periods, we propose that owners and operators would be required to record the dates and times that production of mat using a non-HAP binder began and ended. To clearly identify these periods when the binder formulation being used to produce mat does not contain any HAP, we are proposing revisions to 40 CFR part 63, subpart HHHH, sections 63.2984, 63.2996, and 63.2998 and table 1, and also proposing that a definition of Non-HAP binder be added to 40 CFR 63.3004. The new definition of ''Non-HAP binder'' being proposed reads: ''*Non-HAP binder* means a binder formulation that does not contain any hazardous air pollutants listed on the material safety data sheets of the compounds used in the binder formulation.''

3. Technical and Editorial Changes

We are also proposing several clarifying revisions to the final rule as described in Table 2 of this preamble.

TABLE 2—MISCELLANEOUS PROPOSED CHANGES TO 40 CFR PART 63, SUBPART HHHH

Section of subpart HHHH	Description of proposed change
40 CFR 63.2984	• Amend paragraph (a)(4) to clarify compliance with a different operating limit means the operating limit specified in paragraph (a)(1). • Amend paragraph (e) to allow use of a more recent edition of the currently referenced ''Industrial Ventilation: A Manual of Recommended Practice,'' American Conference of Governmental Industrial Hygienists, *i.e.,* the appropriate chapters of ''Industrial Ventilation: A Manual of Recommended Practice for Design'' (27th edition), or an alternate as approved by the Administrator. • Revise text regarding incorporation by reference (IBR) in paragraph (e) by replacing the reference to 40 CFR 63.3003 with, instead, 40 CFR 63.14.
40 CFR 63.2993	• Amend paragraphs (a) and (b) to update a reference. • Re-designate paragraph (c) as paragraph (e) and amend the newly designated paragraph to clarify that EPA Method 320 (40 CFR part 63, appendix A–2) is an acceptable method for measuring the concentration of formaldehyde. • Add new paragraph (c) to clarify that EPA Methods 3 and 3A (40 CFR part 60, appendix A) are acceptable methods for measuring oxygen and carbon dioxide concentrations needed to correct formaldehyde concentration measurements to a standard basis. • Add new paragraph (d) to clarify that EPA Method 4 (40 CFR part 60, appendix A–3) is an acceptable method for measuring the moisture content of the stack gas.
40 CFR 63.2999	• Amend paragraph (b) to update list of example electronic medium on which records may be kept. • Add paragraph (c) to clarify that any records that are submitted electronically via the EPA's CEDRI may be maintained in electronic format.
40 CFR 63.3003	• Remove text and reserve the section consistent with revisions to the IBR in 40 CFR 63.14.

E. What compliance dates are we proposing?

The EPA is proposing that existing affected sources and affected sources that commenced construction or reconstruction on or before April 6, 2018 must comply with all of the amendments no later than 180 days after the effective date of the final rule. (The final action is not expected to be a ''major rule'' as defined by 5 U.S.C. 804(2), so the effective date of the final rule will be the promulgation date as specified in CAA section 112(d)(10)). For existing sources, we are proposing four changes that would impact ongoing compliance requirements for 40 CFR part 63, subpart HHHH. As discussed elsewhere in this preamble, we are proposing to add a requirement that performance test results be electronically submitted, we are proposing to change the frequency of

required submissions of compliance reports for facilities with deviations from applicable standards from a quarterly basis to a semiannual basis, we are proposing to change the requirements for SSM by removing the exemption from the requirements to meet the standard during SSM periods, and we are proposing to no longer require parameter monitoring during periods when a non-HAP binder is being used to produce mat. Our experience with similar industries that are required to convert reporting mechanisms to install necessary hardware and software, become familiar with the process of submitting performance test results electronically through the EPA's CEDRI, test these new electronic submission capabilities, and reliably employ electronic reporting and to convert logistics of reporting processes to different time-reporting parameters shows that a time period of a minimum of 90 days, and, more typically, 180 days is generally necessary to successfully accomplish these revisions. Our experience with similar industries further shows that this sort of regulated facility generally requires a time period of 180 days to read and understand the amended rule requirements; to evaluate their operations to ensure that they can meet the standards during periods of startup and shutdown as defined in the rule and make any necessary adjustments; to adjust parameter monitoring and recording systems to accommodate revisions such as those proposed here for periods of non-HAP binder use; and to update their operation, maintenance, and monitoring plan to reflect the revised requirements. The EPA recognizes the confusion that multiple different compliance dates for individual requirements would create and the additional burden such an assortment of dates would impose. From our assessment of the timeframe needed for compliance with the entirety of the revised requirements, the EPA considers a period of 180 days to be the most expeditious compliance period practicable and, thus, is proposing that existing affected sources be in compliance with all of this regulation's revised requirements within 180 days of the regulation's effective date. We solicit comment on this proposed compliance period, and we specifically request submission of information from sources in this source category regarding specific actions that would need to be undertaken to comply with the proposed amended requirements and the time needed to make the adjustments for compliance with any of the revised requirements. We note that information provided may result in changes to the proposed compliance date. Affected sources that commence construction or reconstruction after April 6, 2018 must comply with all requirements of the subpart, including the amendments being proposed, no later than the effective date of the final rule or upon startup, whichever is later. All affected facilities would have to continue to meet the current requirements of 40 CFR part 63, subpart HHHH until the applicable compliance date of the amended rule.

V. Summary of Cost, Environmental, and Economic Impacts

A. What are the affected sources?

The EPA estimates that there are seven wet-formed fiberglass mat production facilities that are subject to the Wet-Formed Fiberglass Mat Production NESHAP and would be affected by the proposed amendments. The bases of our estimate of affected facilities are provided in the memorandum, *Wet-Formed Fiberglass: Residual Risk Modeling File Documentation* (*Modeling File Documentation Memo*), which is available in the docket for this action. We are not currently aware of any planned or potential new or reconstructed wet-formed fiberglass mat production facilities.

B. What are the air quality impacts?

The EPA estimates that annual HAP emissions from the seven wet-formed fiberglass mat production facilities that are subject to the NESHAP are approximately 23 tpy. Because we are not proposing revisions to the emission limits, we do not anticipate any air quality impacts as a result of the proposed amendments.

C. What are the cost impacts?

The seven wet-formed fiberglass mat production facilities that would be subject to the proposed amendments would incur minimal net costs to meet revised recordkeeping and reporting requirements, some estimated to have costs and some estimated to have cost savings. Nationwide annual costs associated with the proposed requirements are estimated to be $200 per year in each of the 3 years following promulgation of amendments. The EPA believes that the seven wet-formed fiberglass mat production facilities which are known to be subject to the NESHAP can meet the proposed requirements without incurring additional capital or operational costs. Therefore, the only costs associated with the proposed amendments are related to recordkeeping and reporting labor costs. For further information on the requirements being proposed, see section IV of this preamble. For further information on the costs and cost savings associated with the requirements being proposed, see the memorandum, *Cost Impacts of Wet-Formed Fiberglass Mat Production Risk and Technology Review Proposal,* and the document, *Supporting Statement for NESHAP for Wet-Formed Fiberglass Mat Production,* which are both available in the docket for this action. We solicit comment on these estimated cost impacts.

D. What are the economic impacts?

As noted earlier, the nationwide annual costs associated with the proposed requirements are estimated to be $200 per year in each of the 3 years following promulgation of the amendments. The present value of the total cost over these 3 years is approximately $550 in 2016 dollars under a 3-percent discount rate, and $510 in 2016 dollars under a 7-percent discount rate. These costs are not expected to result in business closures, significant price increases, or substantial profit loss.

For further information on the economic impacts associated with the requirements being proposed, see the memorandum, *Proposal Economic Impact Analysis for the Risk and Technology Review: Wet-Formed Fiberglass Mat Production Source Category,* which is available in the docket for this action.

E. What are the benefits?

Although the EPA does not anticipate reductions in HAP emissions as a result of the proposed amendments, we believe that the action, if finalized, would result in improvements to the rule. Specifically, the proposed amendment requiring electronic submittal of performance test results will increase the usefulness of the data, is in keeping with current trends of data availability, will further assist in the protection of public health and the environment, and will ultimately result in less burden on the regulated community. In addition, the proposed amendments reducing parameter monitoring and recording requirements when non-HAP binder is being used to produce mat and reducing frequency of compliance reports will reduce burden for regulated facilities while continuing to protect public health and the environment. See section IV.D.2 of this preamble for more information.

VI. Request for Comments

We solicit comments on all aspects of this proposed action. In addition to general comments on this proposed action, we are also interested in additional data that may improve the risk assessments and other analyses. We are specifically interested in receiving any improvements to the data used in the site-specific emissions profiles used for risk modeling. Such data should include supporting documentation in sufficient detail to allow characterization of the quality and representativeness of the data or information. Section VII of this preamble provides more information on submitting data.

We specifically solicit comment on an additional issue under consideration that would reduce regulatory burden for owner/operators of certain drying and curing ovens. We are requesting comment on exempting performance testing requirements for drying and curing ovens that are subject to a federally enforceable permit requiring the use of only non-HAP binders. 40 CFR 63.2991 currently requires formaldehyde testing for all drying and curing ovens subject to 40 CFR part 63, subpart HHHH, even if the facility only uses a non-HAP binder. Such an exemption would reduce burden for owners and operators that have switched to using only non-HAP binders without any increase in HAP emissions. Owners and operators of drying and curing ovens that are still permitted to use HAP containing binders would still be required to conduct periodic performance testing even if they are not currently using binders that contain HAP.

VII. Submitting Data Corrections

The site-specific emissions profiles used in the source category risk and demographic analyses and instructions are available for download on the RTR website at *https://www3.epa.gov/airtoxics/rrisk/rtrpg.html.* The data files include detailed information for each HAP emissions release point for the facilities in the source category.

If you believe that the data are not representative or are inaccurate, please identify the data in question, provide your reason for concern, and provide any ''improved'' data that you have, if available. When you submit data, we request that you provide documentation of the basis for the revised values to support your suggested changes. To submit comments on the data downloaded from the RTR website, complete the following steps:

1. Within this downloaded file, enter suggested revisions to the data fields appropriate for that information.
2. Fill in the commenter information fields for each suggested revision (*i.e.,* commenter name, commenter organization, commenter email address, commenter phone number, and revision comments).
3. Gather documentation for any suggested emissions revisions (*e.g.,* performance test reports, material balance calculations).
4. Send the entire downloaded file with suggested revisions in Microsoft® Access format and all accompanying documentation to Docket ID No. EPA–HQ–OAR–2004–0309 (through the method described in the **ADDRESSES** section of this preamble).
5. If you are providing comments on a single facility or multiple facilities, you need only submit one file for all facilities. The file should contain all suggested changes for all sources at that facility (or facilities). We request that all data revision comments be submitted in the form of updated Microsoft® Excel files that are generated by the Microsoft® Access file. These files are provided on the RTR website at *https://www3.epa.gov/airtoxics/rrisk/rtrpg.html.*

VIII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to OMB for review.

B. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

This action is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

The information collection activities in this proposed rule have been submitted for approval to OMB under the PRA. The ICR document that the EPA prepared has been assigned EPA ICR number 1964.08. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here.

We are proposing changes to the recordkeeping and reporting requirements associated with 40 CFR part 63, subpart HHHH, in the form of eliminating the SSM plan and reporting requirements; requiring electronic submittal of performance test reports; reducing the frequency of compliance reports to a semiannual basis when there are deviations from applicable standards; and reducing the parameter monitoring and recording requirements during use of binder containing no HAP. We also included review of the amended rule by affected facilities in the updated ICR for this proposed rule. In addition, the number of facilities subject to the standards changed. The number of respondents was reduced from 14 to 7 based on consultation with industry representatives and state/local agencies.

Respondents/affected entities: The respondents to the recordkeeping and reporting requirements are owners or operators of facilities that produce wet-formed fiberglass mat subject to 40 CFR part 63, subpart HHHH.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart HHHH).

Estimated number of respondents: Seven.

Frequency of response: The frequency of responses varies depending on the burden item. Responses include one-time review of rule amendments, reports of periodic performance tests, and semiannual compliance reports.

Total estimated burden: The annual recordkeeping and reporting burden for responding facilities to comply with all of the requirements in the NESHAP, averaged over the 3 years of this ICR, is estimated to be 1,470 hours (per year). Of these, 3 hours (per year) is the incremental burden to comply with the proposed rule amendments. Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: The annual recordkeeping and reporting cost for responding facilities to comply with all of the requirements in the NESHAP, averaged over the 3 years of this ICR, is estimated to be $95,500 (per year), including $0 annualized capital or operation and maintenance costs. Of the total, $200 (per year) is the incremental cost to comply with the proposed amendments to the rule.

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 OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden to

the EPA using the docket identified at the beginning of this rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs via email to *OIRA_submission@omb.eop.gov,* Attention: Desk Officer for the EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after receipt, OMB must receive comments no later than May 7, 2018. The EPA will respond to any ICR-related comments in the final rule.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. There are no small entities affected in this regulated industry. See the document, *Proposal Economic Impact Analysis for the Reconsideration of the Risk and Technology Review: Wet-Formed Fiberglass Mat Production Source Category,* available in the docket for this action.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. None of the seven wet-formed fiberglass mat production facilities that have been identified as being affected by this proposed action are owned or operated by tribal governments or located within tribal lands. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action's health and risk assessments are contained in sections III.A and C and sections IV.A and B of this preamble, and further documented in the risk report, *Residual Risk Assessment for the Wet-Formed Fiberglass Mat Production Source Category in Support of the February 2018 Risk and Technology Review Proposed Rule,* available in the docket for this action.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR part 51

This action involves technical standards. Therefore, the EPA conducted a search to identify potentially applicable voluntary consensus standards (VCS). The EPA proposes to use EPA Methods 1, 2, 3, 3A, 4, 316, 318, and 320 of 40 CFR part 60, appendix A. While the EPA identified 11 VCS as being potentially applicable as alternatives to EPA Methods 1, 2, 3, 3A, and 4 of 40 CFR part 60, the Agency does not propose to use them. Use of these VCS would be impractical because of their lack of equivalency, documentation, validation data, and/or other important technical and policy considerations. Results of the search are documented in the memorandum, *Voluntary Consensus Standard Results for National Emission Standards for Hazardous Air Pollutants for Wet-formed Fiberglass Mat Production,* which is available in the docket for this action. Methods 316, 318, and 320 of 40 CFR part 60, appendix A are used to determine the formaldehyde concentrations before and after the control device (*e.g.,* thermal oxidizer). Methods 1, 2, 3, 3A, and 4 of 40 CFR part 60, appendix A are used the determine the gas flow rate which is used with the concentration of formaldehyde to calculate the mass emission rate. Additional information can be found at *https://www.epa.gov/emc/emc-promulgated-test-methods.*

Industrial Ventilation: A Manual of Recommended Practice, 23rd Edition, 1998, Chapter 3, ''Local Exhaust Hoods'' and Chapter 5, ''Exhaust System Design Procedure,'' and Industrial Ventilation: A Manual of Recommended Practice for Design, 27th Edition, 2010, are compilations of research data and information on design, maintenance, and evaluation of industrial exhaust ventilation systems. They include suggestions for appropriate hood design considerations and aspects for fan design. The Manuals are used by engineers and industrial hygienists as guidance for design and evaluation of industrial ventilation systems. Additional information can be found at *https://www.acgih.org.*

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

The documentation for this decision is contained in section IV.A of this preamble and the technical report, *Risk and Technology Review Analysis of Demographic Factors for Populations Living Near Wet-Formed Fiberglass Mat Production,* available in the docket for this action.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 19, 2018.

E. Scott Pruitt,

Administrator.

For the reasons stated in the preamble, the EPA proposes to amend title 40, chapter I, part 63 of the Code of Federal Regulations as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart A—General Provisions

■ 2. Section 63.14 is amended by revising the last sentence of paragraph (a) and paragraphs (b)(2) and (3) to read as follows:

§ 63.14 Incorporations by reference.

(a) * * * For information on the availability of this material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

(b) * * *

(2) Industrial Ventilation: A Manual of Recommended Practice, 23rd Edition, 1998, Chapter 3, ''Local Exhaust Hoods'' and Chapter 5, ''Exhaust System Design Procedure.'' IBR approved for §§ 63.1503, 63.1506(c), 63.1512(e), Table 2 to Subpart RRR, Table 3 to Subpart RRR, Appendix A to Subpart RRR, and 63.2984(e).

(3) Industrial Ventilation: A Manual of Recommended Practice for Design, 27th Edition, 2010. IBR approved for §§ 63.1503, 63.1506(c), 63.1512(e), Table 2 to Subpart RRR, Table 3 to Subpart RRR, Appendix A to Subpart RRR, and 63.2984(e).

* * * * *

Subpart HHHH—National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production

■ 3. Section 63.2984 is amended by revising paragraphs (a)(1), (4), (b), and (e) to read as follows:

§ 63.2984 What operating limits must I meet?

(a) * * *

(1) You must operate the thermal oxidizer so that the average operating temperature in any 3-hour block period does not fall below the temperature established during your performance test and specified in your OMM plan, except during periods when using a non-HAP binder.

* * * * *

(4) If you use an add-on control device other than a thermal oxidizer or wish to monitor an alternative parameter and comply with a different operating limit than the limit specified in paragraph (a)(1) of this section, you must obtain approval for the alternative monitoring under § 63.8(f). You must include the approved alternative monitoring and operating limits in the OMM plan specified in § 63.2987.

(b) When during a period of normal operation, you detect that an operating parameter deviates from the limit or range established in paragraph (a) of this section, you must initiate corrective actions within 1 hour according to the provisions of your OMM plan. The corrective actions must be completed in an expeditious manner as specified in the OMM plan.

* * * * *

(e) If you use a thermal oxidizer or other control device to achieve the emission limits in § 63.2983, you must capture and convey the formaldehyde emissions from each drying and curing oven according to the procedures in chapters 3 and 5 of ''Industrial Ventilation: A Manual of Recommended Practice'' (23rd Edition) or the appropriate chapters of ''Industrial Ventilation: A Manual of Recommended Practice for Design'' (27th edition) (both incorporated by reference, see § 63.14). In addition, you may use an alternate as approved by the Administrator.

■ 4. Section 63.2985 is amended by revising paragraph (b) and adding paragraph (d) to read as follows:

§ 63.2985 When do I have to comply with these standards?

* * * * *

(b) Drying and curing ovens constructed or reconstructed after May 26, 2000 and before April 9, 2018 must be in compliance with this subpart at startup or by April 11, 2002, whichever is later.

* * * * *

(d) Drying and curing ovens constructed or reconstructed after April 6, 2018 must be in compliance with this subpart at startup or by [DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**], whichever is later.

■ 5. Section 63.2986 is amended by revising paragraph (g) to read as follows:

§ 63.2986 How do I comply with the standards?

* * * * *

(g) You must comply with the requirements in paragraphs (g)(1) through (3) of this section.

(1) Before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], you must be in compliance with the emission limits in § 63.2983 and the operating limits in § 63.2984 at all times, except during periods of startup, shutdown, or malfunction. After [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], you must be in compliance with the emission limits in § 63.2983 and the operating limits in § 63.2984 at all times.

(2) Before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], you must always operate and maintain any affected source, including air pollution control equipment and monitoring equipment, according to the provisions in § 63.6(e)(1). After [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], at all times, you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

(3) Before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], you must develop a written startup, shutdown, and malfunction plan according to the provisions in § 63.6(e)(3). The startup, shutdown, and malfunction plan must address the startup, shutdown, and corrective actions taken for malfunctioning process and air pollution control equipment. A startup, shutdown, and malfunction plan is not required after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].

■ 6. Section 63.2992 is amended by revising paragraphs (b) and (e) to read as follows:

§ 63.2992 How do I conduct a performance test?

* * * * *

(b) You must conduct the performance test according to the requirements in § 63.7(a) through (d), (e)(2) through (4), and (f) through (h).

* * * * *

(e) Performance tests must be conducted under such conditions as the Administrator specifies to you based on representative performance of the affected source for the period being tested. Representative conditions exclude periods of startup and shutdown. You may not conduct performance tests during periods of malfunction. You must record the process information that is necessary to document operating conditions during the test and include in such record an explanation to support that such conditions represent normal operation. Upon request, you must make available to the Administrator such records as may be necessary to determine the conditions of performance tests

* * * * *

■ 7. Section 63.2993 is amended by:

■ a. Revising paragraphs (a) and (b);
■ b. Redesignating paragraphs (c) through (e) as paragraphs (e) through (g);
■ c. Adding new paragraphs (c) and (d); and
■ d. Revising newly redesignated paragraph (e).

The revisions and additions read as follows:

§ 63.2993 What test methods must I use in conducting performance tests?

(a) Use EPA Method 1 (40 CFR part 60, appendix A–1) for selecting the sampling port location and the number of sampling ports.

(b) Use EPA Method 2 (40 CFR part 60, appendix A–1) for measuring the volumetric flow rate of the stack gas.

(c) Use EPA Method 3 or 3A (40 CFR part 60, appendix A–2) for measuring oxygen and carbon dioxide concentrations needed to correct formaldehyde concentration measurements to a standard basis.

(d) Use EPA Method 4 (40 CFR part 60, appendix A–3) for measuring the moisture content of the stack gas.

(e) Use EPA Method 316, 318, or 320 (40 CFR part 63, appendix A) for measuring the concentration of formaldehyde.

* * * * *

■ 8. Section 63.2994 is amended by revising paragraph (a) to read as follows:

§ 63.2994 How do I verify the performance of monitoring equipment?

(a) Before conducting the performance test, you must take the steps listed in paragraphs (a)(1) through (3) of this section:

(1) Install and calibrate all process equipment, control devices, and monitoring equipment.

(2) Develop and implement a continuous monitoring system (CMS) quality control program that includes written procedures for CMS according to § 63.8(d)(1) and (2). You must keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Administrator. If the performance evaluation plan is revised, you must keep previous (*i.e.,* superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Administrator, for a period of 5 years after each revision to the plan. The program of corrective action should be included in the plan required under § 63.8(d)(2).

(3) Conduct a performance evaluation of the CMS according to § 63.8(e), which specifies the general requirements and requirements for notifications, the site-specific performance evaluation plan, conduct of the performance evaluation, and reporting of performance evaluation results.

* * * * *

■ 9. Section 63.2996 is revised to read as follows:

§ 63.2996 What must I monitor?

(a) You must monitor the parameters listed in table 1 of this subpart and any other parameters specified in your OMM plan. The parameters must be monitored, at a minimum, at the corresponding frequencies listed in table 1 of this subpart, except as specified in paragraph (b) of this section.

(b) During periods when using a non-HAP binder, you are not required to monitor the parameters in table 1 of this subpart.

■ 10. Section 63.2998 is amended by:
■ a. Revising the introductory text, paragraphs (a) and (c), and paragraph (e) introductory text;
■ b. Revising paragraph (f);
■ c. Redesignating paragraph (g) as paragraph (h)
■ d. Adding new paragraph (g).

The revisions read as follows:

§ 63.2998 What records must I maintain?

You must maintain records according to the procedures of § 63.10. You must maintain the records listed in paragraphs (a) through (h) of this section.

(a) All records required by § 63.10, where applicable. Table 2 of this subpart presents the applicable requirements of the general provisions.

* * * * *

(c) During periods when the binder formulation being applied contains HAP, records of values of monitored parameters listed in Table 1 of this subpart to show continuous compliance with each operating limit specified in Table 1 of this subpart. During periods when using non-HAP binder, and that you elect not to monitor the parameters in table 1 of this subpart, you are required to record the dates and times that production of mat using non-HAP binder began and ended.

* * * * *

(e) Before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], if an operating parameter deviation occurs, you must record:

* * * * *

(f) Before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], keep all records specified in § 63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction.

(g) After [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], in the event that an affected source fails to meet an applicable standard, including deviations from an emission limit in § 63.2983 or an operating limit in § 63.2984, you must record the number of failures and, for each failure, you must:

(1) Record the date, time, and duration of the failure;

(2) Describe the cause of the failure;

(3) Record and retain a list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions; and

(4) Record actions taken to minimize emissions in accordance with § 63.2986(g)(2), and any corrective actions taken to return the affected unit to its normal or usual manner of operation and/or the operating parameter to the limit or to within the range specified in the OMM plan, along with dates and times at which corrective actions were initiated and completed.

* * * * *

■ 10. Section 63.2999 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 63.2999 In what form and for how long must I maintain records?

* * * * *

(b) Your records must be readily available and in a form so they can be easily inspected and reviewed. You can keep the records on paper or an alternative medium, such as microfilm, computer, computer disks, compact disk, digital versatile disk, flash drive, other commonly used electronic storage medium, magnetic tape, or on microfiche.

(c) Any records required to be maintained by this part that are submitted electronically via the EPA's Compliance and Emissions Data Reporting Interface (CEDRI) may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

■ 11. Section 63.3000 is amended by revising paragraphs (c) introductory text, (1), (4), (5), (d), and (e) and adding paragraphs (c)(6), (f), and (g) to read as follows:

§ 63.3000 What notifications and reports must I submit?

* * * * *

(c) *Semiannual compliance reports.* You must submit semiannual compliance reports according to the requirements of paragraphs (c)(1) through (6) of this section.

(1) *Dates for submitting reports.* Unless the Administrator has agreed to a different schedule for submitting reports under § 63.10(a), you must deliver or postmark each semiannual compliance report no later than 30 days following the end of each semiannual reporting period. The first semiannual reporting period begins on the compliance date for your affected source and ends on June 30 or December 31, whichever date immediately follows your compliance date. Each subsequent semiannual reporting period for which you must submit a semiannual compliance report begins on July 1 or January 1 and ends 6 calendar months later. Before [DATE 1 DAY AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], as required by § 63.10(e)(3), you must begin submitting quarterly compliance reports if you deviate from the emission limits in § 63.2983 or the operating limits in § 63.2984. After [DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**], quarterly compliance reports are not required.

* * * * *

(4) *No deviations.* If there were no instances where an affected source failed to meet an applicable standard, including no deviations from the emission limit in § 63.2983 or the operating limits in § 63.2984, the semiannual compliance report must include a statement to that effect. If there were no periods during which the continuous parameter monitoring systems were out-of-control as specified in § 63.8(c)(7), the semiannual compliance report must include a statement to that effect.

(5) *Deviations.* Before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], if there was an instance where an affected source failed to meet an applicable standard, including a deviation from the emission limit in § 63.2983 or an operating limit in § 63.2984, the semiannual compliance report must record the number of failures and contain the information in paragraphs (c)(5)(i) through (ix) of this section:

(i) The date, time, and duration of each failure.

(ii) The date and time that each continuous parameter monitoring system was inoperative, except for zero (low-level) and high-level checks.

(iii) The date, time, and duration that each continuous parameter monitoring system was out-of-control, including the information in § 63.8(c)(8).

(iv) A list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.

(v) The date and time that corrective actions were taken, a description of the cause of the failure, and a description of the corrective actions taken.

(vi) A summary of the total duration of each failure during the semiannual reporting period and the total duration as a percent of the total source operating time during that semiannual reporting period.

(vii) A breakdown of the total duration of the failures during the semiannual reporting period into those that were due to control equipment problems, process problems, other known causes, and other unknown causes.

(viii) A brief description of the process units.

(ix) A brief description of the continuous parameter monitoring system.

(6) *Deviations.* After [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], if there was an instance where an affected source failed to meet an applicable standard, including a deviation from the emission limit in § 63.2983 or an operating limit in § 63.2984, the semiannual compliance report must record the number of failures and contain the information in paragraphs (c)(5)(i) through (ix) of this section:

(i) The date, time, and duration of each failure.

(ii) The date and time that each continuous parameter monitoring system was inoperative, except for zero (low-level) and high-level checks.

(iii) The date, time, and duration that each continuous parameter monitoring system was out-of-control, including the information in § 63.8(c)(8).

(iv) A list of the affected sources or equipment, an estimate of the quantity of each regulated pollutant emitted over any emission limit and a description of the method used to estimate the emissions.

(v) The date and time that corrective actions were taken, a description of the cause of the failure, and a description of the corrective actions taken.

(vi) A summary of the total duration of each failure during the semiannual reporting period and the total duration as a percent of the total source operating time during that semiannual reporting period.

(vii) A breakdown of the total duration of the failures during the semiannual reporting period into those that were due to control equipment problems, process problems, other known causes, and other unknown causes.

(viii) A brief description of the process units.

(ix) A brief description of the continuous parameter monitoring system.

(d) *Performance test results.* You must submit results of each performance test (as defined in § 63.2) required by this subpart no later than 60 days after completing the test as specified in § 63.10(d)(2). You must include the values measured during the performance test for the parameters listed in Table 1 of this subpart and the operating limits or ranges to be included in your OMM plan. For the thermal oxidizer temperature, you must include 15-minute averages and the average for the three 1-hour test runs. Beginning no later than [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], you must submit the results following the procedures specified in paragraphs (d)(1) through (3) of this section.

(1) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (*https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert*) at the time of the test, you must submit the results of the performance test to the EPA via CEDRI. (CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*).) Performance test data must be submitted in a file format generated through the use of the EPA's ERT or an alternate electronic file format consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

(2) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test, you must submit the results of the performance test to the Administrator at the appropriate address listed in § 63.13, unless the Administrator agrees to or specifies an alternate reporting method.

(3) If you claim that some of the performance test information being submitted under paragraph (d)(1) is confidential business information (CBI), you must submit a complete file generated through the use of the EPA's

ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website, including information claimed to be CBI, on a compact disc, flash drive or other commonly used electronic storage medium to the EPA. The electronic medium must be clearly marked as CBI and mailed to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, Mail Drop C404–02, 4930 Old Page Rd., Durham, NC 27703. The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraph (d)(1) of this section.

(e) *Startup, shutdown, malfunction reports.* Before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**], if you have a startup, shutdown, or malfunction during the semiannual reporting period, you must submit the reports specified § 63.10(d)(5).

(f) If you are required to electronically submit a report through the CEDRI in the EPA's CDX, and due to a planned or actual outage of either the EPA's CEDRI or CDX systems within the period of time beginning 5 business days prior to the date that the submission is due, you will be or are precluded from accessing CEDRI or CDX and submitting a required report within the time prescribed, you may assert a claim of EPA system outage for failure to timely comply with the reporting requirement. You must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description identifying the date, time and length of the outage; a rationale for attributing the delay in reporting beyond the regulatory deadline to the EPA system outage; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the report must be submitted electronically as soon as possible after the outage is resolved. The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

(g) If you are required to electronically submit a report through CEDRI in the EPA's CDX and a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning 5 business days prior to the date the submission is due, the owner or operator may assert a claim of force majeure for failure to timely comply with the reporting requirement. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (*e.g.,* hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (*e.g.,* large scale power outage). If you intend to assert a claim of force majeure, you must submit notification to the Administrator in writing as soon as possible following the date you first knew, or through due diligence should have known, that the event may cause or caused a delay in reporting. You must provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event; describe the measures taken or to be taken to minimize the delay in reporting; and identify a date by which you propose to report, or if you have already met the reporting requirement at the time of the notification, the date you reported. In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs. The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the Administrator.

■ 12. Section 63.3003 is removed and reserved.

■ 13. Section 63.3004 is amended by removing the definition for ''Deviation'' and adding definitions for ''Deviation after,'' ''Deviation before,'' ''Non-HAP binder,'' ''Shutdown,'' and ''Startup'' in alphabetical order to read as follows:

§ 63.3004 What definitions apply to this subpart?

* * * * *

Deviation after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**] means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including, but not limited to, any emission limit, operating limit, or work practice standard; or

(2) fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit.

Deviation after [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**] means any instance in which an affected source subject to this subpart, or an owner or operator of such a source:

(1) Fails to meet any requirement or obligation established by this subpart, including, but not limited to, any emission limit, operating limit, or work practice standard; or

(2) fails to meet any term or condition that is adopted to implement an applicable requirement in this subpart and that is included in the operating permit for any affected source required to obtain such a permit; or

(3) fails to meet any emission limit, or operating limit, or work practice standard in this subpart during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this subpart.

* * * * *

Non-HAP binder means a binder formulation that does not contain any hazardous air pollutants listed on the material safety data sheets of the compounds used in the binder formulation.

* * * * *

Shutdown after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**] means the cessation of operation of the drying and curing of wet-formed fiberglass mat for any purpose. Shutdown ends when fiberglass mat is no longer being dried or cured in the oven and the oven no longer contains any resin infused binder.

Startup after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**] means the setting in operation of the drying and curing of wet-formed fiberglass mat for any purpose. Startup begins when resin infused fiberglass mat enters the oven to be dried and cured for the first time or after a shutdown event.

* * * * *

■ 14. Table 1 to Subpart HHHH of Part 63 is revised to read as follows:

TABLE 1 TO SUBPART HHHH OF PART 63—MINIMUM REQUIREMENTS FOR MONITORING AND RECORDKEEPING

As stated in § 63.2998(c), you must comply with the minimum requirements for monitoring and recordkeeping in the following table:

You must monitor these parameters:	At this frequency:	And record for the monitored parameter:
1. Thermal oxidizer temperature [a]	Continuously	15-minute and 3-hour block averages.
2. Other process or control device parameters specified in your OMM plan.[b]	As specified in your OMM plan	As specified in your OMM plan.
3. Urea-formaldehyde resin solids application rate.[d]	On each operating day, calculate the average lb/h application rate for each product manufactured during that day.	The average lb/h value for each product manufactured during the day.
4. Resin free-formaldehyde content [d]	For each lot of resin purchased	The value for each lot used during the operating day.
5. Loss-on-ignition [c d]	Measured at least once per day, for each product manufactured during that day.	The value for each product manufactured during the operating day.
6. UF-to-latex ratio in the binder [c d]	For each batch of binder prepared the operating day.	The value for each batch of binder prepared during the operating day.
7. Weight of the final mat product per square (lb/roofing square).[c d]	Each product manufactured during the operating day.	The value for each product manufactured during the operating day.
8. Average nonwoven wet-formed fiberglass mat production rate (roofing square/h).[c d]	For each product manufactured during the operating day.	The average value for each product manufactured during operating day.

[a] Required if a thermal oxidizer is used to control formaldehyde emissions.
[b] "Required if process modifications or a control device other than a thermal oxidizer is used to control formaldehyde emissions.
[c] These parameters must be monitored and values recorded, but no operating limits apply.
[d] You are not required to monitor or record these parameters during periods when using a non-HAP binder. If you elect to not monitor these parameters during these periods, you must record the dates and times that production of mat using the non-HAP binder began and ended.

■ 15. Table 2 to Subpart HHHH of Part 63 is revised to read as follows:

TABLE 2 TO SUBPART HHHH OF PART 63—APPLICABILITY OF GENERAL PROVISIONS (40 CFR PART 63, SUBPART A) TO SUBPART HHHH

As stated in § 63.3001, you must comply with the applicable General Provisions requirements according to the following table:

Citation	Requirement	Applies to subpart HHHH	Explanation
§ 63.1(a)(1)–(4)	General Applicability	Yes.	
§ 63.1(a)(5)		No	[Reserved].
§ 63.1(a)(6)–(8)	Yes.		
§ 63.1(a)(9)		No	[Reserved].
§ 63.1(a)(10)–(14)	Yes.		
§ 63.1(b)	Initial Applicability Determination	Yes.	
§ 63.1(c)(1)	Applicability After Standard Established.	Yes.	
§ 63.1(c)(2)		Yes	Some plants may be area sources.
§ 63.1(c)(3)		No	[Reserved].
§ 63.1(c)(4)–(5)	Yes.		
§ 63.1(d)		No	[Reserved].
§ 63.1(e)	Applicability of Permit Program	Yes.	
§ 63.2	Definitions	Yes	Additional definitions in § 63.3004.
§ 63.3	Units and Abbreviations	Yes.	
§ 63.4(a)(1)–(3)	Prohibited Activities	Yes.	
§ 63.4(a)(4)		No	[Reserved].
§ 63.4(a)(5)	Yes.		
§ 63.4(b)–(c)	Circumvention/Severability	Yes.	
§ 63.5(a)	Construction/Reconstruction	Yes.	
§ 63.5(b)(1)	Existing/Constructed/Reconstruction	Yes.	
§ 63.5(b)(2)		No	[Reserved].
§ 63.5(b)(3)–(6)		Yes.	
§ 63.5(c)		No	[Reserved].
§ 63.5(d)	Application for Approval of Construction/Reconstruction.	Yes.	
§ 63.5(e)	Approval of Construction/Reconstruction.	Yes.	
§ 63.5(f)	Approval of Construction/Reconstruction Based on State Review.	Yes.	
§ 63.6(a)	Compliance with Standards and Maintenance—Applicability.	Yes.	
§ 63.6(b)(1)–(5)	New and Reconstructed Sources–Dates.	Yes.	
§ 63.6(b)(6)		No	[Reserved].
§ 63.6(b)(7)	Yes.		
§ 63.6(c)(1)–(2)	Existing Sources Dates	Yes.	§ 63.2985 specifies dates.

TABLE 2 TO SUBPART HHHH OF PART 63—APPLICABILITY OF GENERAL PROVISIONS (40 CFR PART 63, SUBPART A) TO SUBPART HHHH—Continued

As stated in § 63.3001, you must comply with the applicable General Provisions requirements according to the following table:

Citation	Requirement	Applies to subpart HHHH	Explanation
§ 63.6(c)(3)–(4)	.....	No	[Reserved].
§ 63.6(c)(5)	Yes.		
§ 63.6(d)	.....	No	[Reserved].
§ 63.6(e)(1)(i)	General Duty to Minimize Emissions ..	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	See § 63.2986(g) for general duty requirement.
	.....	No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.6(e)(1)(ii)	Requirement to Correct Malfunctions ASAP.	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
	.....	No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.6(e)(1)(iii)	Operation and Maintenance Requirements.	Yes	§§ 63.2984 and 63.2987 specify additional requirements.
§ 63.6(e)(2)	.....	No	[Reserved].
§ 63.6(e)(3)	SSM Plan Requirements	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
	.....	No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.6(f)(1)	SSM Exemption	No.	
§ 63.6(f)(2) and (3)	Compliance with Non-Opacity Emission Standards.	Yes.	
§ 63.6(g)	Alternative Non-Opacity Emission Standard.	Yes	EPA retains approval authority.
§ 63.6(h)	Compliance with Opacity/Visible Emissions Standards.	No	Subpart HHHH does not specify opacity or visible emission standards.
§ 63.6(i)(1)–(14)	Extension of Compliance	Yes.	
§ 63.6(i)(15)	.....	No	[Reserved].
§ 63.6(i)(16)	.....	Yes.	
§ 63.6(j)	Exemption from Compliance	Yes.	
§ 63.7(a)	Performance Test Requirements—Applicability and Dates.	Yes.	
§ 63.7(b)	Notification of Performance Test	Yes.	
§ 63.7(c)	Quality Assurance Program/Test Plan	Yes.	
§ 63.7(d)	Testing Facilities	Yes.	
§ 63.7(e)(1)	Performance Testing	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	See § 63.2992(c).
		No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.7(e)(2)–(4)	Conduct of Tests	Yes	§ 63.2991–63.2994 specify additional requirements.
§ 63.7(f)	Alternative Test Method	Yes	EPA retains approval authority.
§ 63.7(g)	Data Analysis	Yes.	
§ 63.7(h)	Waiver of Tests	Yes.	
§ 63.8(a)(1)–(2)	Monitoring Requirements—Applicability.	Yes.	
§ 63.8(a)(3)	.....	No	[Reserved].
§ 63.8(a)(4)	.....	Yes.	
§ 63.8(b)	Conduct of Monitoring	Yes.	
§ 63.8(c)(1)(i)	General Duty to Minimize Emissions and CMS Operation.	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
		No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.8(c)(1)(ii)	Continuous Monitoring System (CMS) Operation and Maintenance.	Yes.	
§ 63.8(c)(1)(iii)	Requirement to Develop SSM Plan for CMS.	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	

TABLE 2 TO SUBPART HHHH OF PART 63—APPLICABILITY OF GENERAL PROVISIONS (40 CFR PART 63, SUBPART A) TO SUBPART HHHH—Continued

As stated in § 63.3001, you must comply with the applicable General Provisions requirements according to the following table:

Citation	Requirement	Applies to subpart HHHH	Explanation
	No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].		
§ 63.8(c)(2)–(4)		Yes.	
§ 63.8(c)(5)	Continuous Opacity Monitoring System (COMS) Procedures.	No	Subpart HHHH does not specify opacity or visible emission standards.
§ 63.8(c)(6)–(8)		Yes.	
§ 63.8(d)(1) and (2)	Quality Control	Yes.	
§ 63.8(d)(3)	Written Procedures for CMS	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	See § 63.2994(a).
§ 63.8(e)	CMS Performance Evaluation	Yes.	
§ 63.8(f)(1)–(5)	Alternative Monitoring Method	Yes	EPA retains approval authority.
§ 63.8(f)(6)	Alternative to Relative Accuracy Test	No	Subpart HHHH does not require the use of continuous emissions monitoring systems (CEMS)
§ 63.8(g)(1)	Data Reduction	Yes.	
§ 63.8(g)(2)	Data Reduction	No	Subpart HHHH does not require the use of CEMS or COMS.
§ 63.8(g)(3)–(5)	Data Reduction	Yes.	
§ 63.9(a)	Notification Requirements—Applicability.	Yes.	
§ 63.9(b)	Initial Notifications	Yes.	
§ 63.9(c)	Request for Compliance Extension	Yes.	
§ 63.9(d)	New Source Notification for Special Compliance Requirements.	Yes.	
§ 63.9(e)	Notification of Performance Test	Yes.	
§ 63.9(f)	Notification of Visible Emissions/Opacity Test.	No	Subpart HHHH does not specify opacity or visible emission standards.
§ 63.9(g)(1)	Additional CMS Notifications	Yes.	
§ 63.9(g)(2)–(3)		No	Subpart HHHH does not require the use of COMS or CEMS.
§ 63.9(h)(1)–(3)	Notification of Compliance Status	Yes	§ 63.3000(b) specifies additional requirements.
§ 63.9(h)(4)		No	[Reserved].
§ 63.9(h)(5)–(6)		Yes.	
§ 63.9(i)	Adjustment of Deadlines	Yes.	
§ 63.9(j)	Change in Previous Information	Yes.	
§ 63.10(a)	Recordkeeping/Reporting—Applicability.	Yes.	
§ 63.10(b)(1)	General Recordkeeping Requirements	Yes	§ 63.2998 includes additional requirements.
§ 63.10(b)(2)(i)	Recordkeeping of Occurrence and Duration of Startups and Shutdowns.	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.10(b)(2)(ii)	Recordkeeping of Failures to Meet a Standard.	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	See § 63.2998(e) for recordkeeping requirements for an affected source that fails to meet an applicable standard.
§ 63.10(b)(2)(iii)	Maintenance Records	Yes.	
§ 63.10(b)(2)(iv) and (v).	Actions Taken to Minimize Emissions During SSM.	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.10(b)(2)(vi)	Recordkeeping for CMS Malfunctions	Yes.	
§ 63.10(b)(2)(vii)–(xiv)	Other CMS Requirements	Yes.	

TABLE 2 TO SUBPART HHHH OF PART 63—APPLICABILITY OF GENERAL PROVISIONS (40 CFR PART 63, SUBPART A) TO SUBPART HHHH—Continued

As stated in § 63.3001, you must comply with the applicable General Provisions requirements according to the following table:

Citation	Requirement	Applies to subpart HHHH	Explanation
§ 63.10(b)(3)	Recordkeeping requirement for applicability determinations.	Yes after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.10(c)(1)	Additional CMS Recordkeeping	Yes.	
§ 63.10(c)(2)–(4)		No	[Reserved].
§ 63.10(c)(5)–(8)		Yes.	
§ 63.10(c)(9)		No	[Reserved].
§ 63.10(c)(10)–(14)		Yes.	
§ 63.10(c)(15)	Use of SSM Plan	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	
§ 63.10(d)(1)	General Reporting Requirements	Yes	§ 63.3000 includes additional requirements.
§ 63.10(d)(2)	Performance Test Results	Yes	§ 63.3000 includes additional requirements.
§ 63.10(d)(3)	Opacity or Visible Emissions Observations.	No	Subpart HHHH does not specify opacity or visible emission standards.
§ 63.10(d)(4)	Progress Reports Under Extension of Compliance.	Yes.	
§ 63.10(d)(5)	SSM Reports	Yes before [DATE 181 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**]. No after [DATE 180 DAYS AFTER PUBLICATION OF FINAL RULE IN THE **Federal Register**].	See § 63.3000(c) for malfunction reporting requirements.
§ 63.10(e)(1)	Additional CMS Reports—General	No	Subpart HHHH does not require CEMS.
§ 63.10(e)(2)	Reporting results of CMS performance evaluations.	Yes.	
§ 63.10(e)(3)	Excess Emission/CMS Performance Reports.	Yes.	
§ 63.10(e)(4)	COMS Data Reports	No	Subpart HHHH does not specify opacity or visible emission standards.
§ 63.10(f)	Recordkeeping/Reporting Waiver	Yes	EPA retains approval authority.
§ 63.11	Control Device Requirements—Applicability.	No	Facilities subject to subpart HHHH do not use flares as control devices.
§ 63.12	State Authority and Delegations	Yes.	
§ 63.13	Addresses	Yes.	
§ 63.14	Incorporation by Reference	Yes.	
§ 63.15	Availability of Information/Confidentiality.	Yes.	

[FR Doc. 2018–06541 Filed 4–5–18; 8:45 am]

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FEDERAL REGISTER

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Part IV

The President

Proclamation 9720—50th Anniversary of the Assassination of Dr. Martin Luther King, Jr.

Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 9720 of April 3, 2018

50th Anniversary of the Assassination of Dr. Martin Luther King, Jr.

By the President of the United States of America

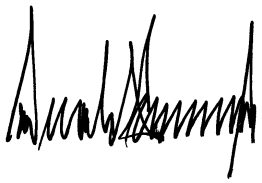
A Proclamation

Fifty years ago today, on April 4, 1968, the Reverend Dr. Martin Luther King, Jr., was tragically assassinated in Memphis, Tennessee. Though he was taken from this earth unjustly, he left us with his legacy of justice and peace. In remembrance of his profound and inspirational virtues, we look to do as Dr. King did while this world was privileged enough to still have him. We must learn to live together as brothers and sisters lest we perish together as fools. We must embrace the sanctity of life and love our neighbor as we love ourselves. As a united people, we must see Dr. King's life mission through and denounce racism, inhumanity, and all those things that seek to divide us.

It is not government that will achieve Dr. King's ideals, but rather the people of this great country who will see to it that our Nation represents all that is good and true, and embodies unity, peace, and justice. We must actively aspire to secure the dream of living together as one people with a common purpose. President Abraham Lincoln sought to eradicate the senseless divisions of racial hierarchies when he issued the Emancipation Proclamation. Just over 100 years later, Dr. King continued this effort and called upon Americans to reject ugly impulses and prejudices, and to recognize the beauty and the humanity of all people, regardless of the color of their skin. Today, we remain steadfast in advancing their efforts, in hopes of hastening the day when all of God's children will join hands in freedom forever.

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 4, 2018, to be a day to honor Dr. King's legacy. I urge all Americans to do their part to make Dr. King's dreams of peace, unity, and justice a reality.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



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