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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 34

[Docket No. OCC–2017–0011]

RIN 1557–AE18

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Docket No. R–1568; RIN 7100 AE–81]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 323

RIN 3064 AE–56

Real Estate Appraisals

AGENCY: Office of the Comptroller of the Currency, Treasury (OCC); Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The OCC, Board, and FDIC (collectively, the agencies) are adopting a final rule to amend the agencies' regulations requiring appraisals of real estate for certain transactions. The final rule increases the threshold level at or below which appraisals are not required for commercial real estate transactions from $250,000 to $500,000. The final rule defines commercial real estate transaction as a real estate-related financial transaction that is not secured by a single 1-to-4 family residential property. It excludes all transactions secured by a single 1-to-4 family residential property, and thus construction loans secured by a single 1-to-4 family residential property are excluded. For commercial real estate transactions exempted from the appraisal requirement as a result of the revised threshold, regulated institutions must obtain an evaluation of the real property collateral that is consistent with safe and sound banking practices.

DATES: This final rule is effective on April 9, 2018.

FOR FURTHER INFORMATION CONTACT:

OCC: G. Kevin Lawton, Appraiser (Real Estate Specialist), (202) 649–7152, Mitchell E. Plave, Special Counsel, Legislative and Regulatory Activities Division, (202) 649–5490, or Joanne Phillips, Attorney, Bank Activities and Structure Division, (202) 649–5500, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. For persons who are deaf or hearing impaired, TTY users may contact (202) 649–5597.

Board: Constance Horsley, Deputy Associate Director, (202) 452–5239, or Carmen Holly, Senior Supervisory Financial Analyst, (202) 973–6122, Division of Supervision and Regulation; or Gillian Burgess, Senior Counsel, (202) 736–5564, Matthew Suntag, Counsel, (202) 452–3694, or Kirin Walsh, Attorney, (202) 452–3058, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551. For the hearing impaired only, Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869.

FDIC: Beverlea S. Gardner, Senior Examination Specialist, Division of Risk Management and Supervision, (202) 898–3640, Mark Mellon, Counsel, Legal Division, (202) 898–3884, or Lauren Whitaker, Senior Attorney, Legal Division, (202) 898–3872, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429. For the hearing impaired only, TDD users may contact (202) 925–4618.

SUPPLEMENTARY INFORMATION:

I. Background and Summary of the Proposed Rule

In July 2017, the agencies invited comment on a notice of proposed rulemaking (proposal or proposed rule) [1] that would amend the agencies' appraisal regulations promulgated pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Title XI).[2] Specifically, the proposal would have increased the monetary threshold at or below which financial institutions that are regulated by the agencies (regulated institutions) would not be required to obtain appraisals in connection with commercial real estate transactions (commercial real estate appraisal threshold) from $250,000 to $400,000. The proposal followed the completion in early 2017 of the regulatory review process required by the Economic Growth and Regulatory Paperwork Reduction Act (EGRPRA).[3] During the EGRPRA process, the agencies received numerous comments related to the Title XI appraisal regulations, including recommendations to increase the thresholds at or below which transactions are exempt from the Title XI appraisal requirements. Among other proposals developed through the EGRPRA process, the agencies recommended increasing the commercial real estate appraisal threshold to $400,000.[4]

Title XI directs each federal financial institutions regulatory agency [5] to publish appraisal regulations for federally related transactions within its jurisdiction. The purpose of Title XI is to protect federal financial and public policy interests [6] in real estate-related transactions by requiring that real estate appraisals used in connection with federally related transactions (Title XI appraisals) be performed in accordance with uniform standards, by individuals whose competency has been demonstrated, and whose professional conduct will be subject to effective supervision.[7]

[1] 82 FR 35478 (July 31, 2017).

[2] 12 U.S.C. 3331 *et seq.*

[3] Public Law 104–208, Div. A, Title II, section 2222, 110 Stat. 3009–414, (1996) (codified at 12 U.S.C. 3311).

[4] *See* FFIEC, *Joint Report to Congress: Economic Growth and Regulatory Paperwork Reduction Act,* (March 2017), (EGRPRA Report), *available at https://www.ffiec.gov/pdf/2017_FFIEC_EGRPRA_Joint-Report_to_Congress.pdf.*

[5] ''Federal financial institutions regulatory agency'' means the Board, the FDIC, the OCC, the National Credit Union Association (NCUA), and, formerly, the Office of Thrift Supervision. 12 U.S.C. 3350(6).

[6] These interests include those stemming from the federal government's roles as regulator and deposit insurer of financial institutions that engage in real estate lending and investment, guarantor or lender on mortgage loans, and as a direct party in real estate-related financial transactions. These federal financial and public policy interests have been described in predecessor legislation and accompanying Congressional reports. *See* Real Estate Appraisal Reform Act of 1988, H.R. Rep. No. 100–1001, pt. 1, at 19 (1988); 133 Cong. Rec. 33047–33048 (1987).

[7] 12 U.S.C. 3331.

Title XI directs the agencies to prescribe appropriate standards for Title XI appraisals under the agencies' respective jurisdictions,[8] including, at a minimum, that appraisals be: (1) Performed in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP); [9] (2) written appraisals, as defined by the statute, by licensed or certified appraisers; [10] and (3) subject to appropriate review for compliance with USPAP. All federally related transactions must have Title XI appraisals.

Title XI defines a ''federally related transaction'' as a real estate-related financial transaction that is regulated or engaged in by a federal financial institutions regulatory agency and requires the services of an appraiser.[11] A real estate-related financial transaction is defined as any transaction that involves: (i) The sale, lease, purchase, investment in or exchange of real property, including interests in property, or financing thereof; (ii) the refinancing of real property or interests in real property; and (iii) the use of real property or interests in real property as security for a loan or investment, including mortgage-backed securities.[12]

The agencies have authority to determine those real estate-related financial transactions that do not require the services of a state certified or state licensed appraiser and are therefore exempt from the appraisal requirements of Title XI. These real estate-related financial transactions are not federally related transactions under the statutory or regulatory definitions, because they do not require the services of an appraiser.[13]

The agencies have exempted several categories of real estate-related financial transactions from the Title XI appraisal requirements.[14] The agencies have determined that these categories of transactions do not require appraisals by state certified or state licensed appraisers in order to protect federal financial and public policy interests or to satisfy principles of safe and sound banking.

In 1992, Congress amended Title XI, expressly authorizing the agencies to establish a threshold level at or below which an appraisal by a state certified or state licensed appraiser is not required in connection with federally related transactions if the agencies determine in writing that the threshold does not represent a threat to the safety and soundness of financial institutions.[15] As noted above, transactions at or below the threshold level are exempt from the Title XI appraisal requirements and thus are not federally related transactions.

Under the current thresholds, established in 1994,[16] all real estate-related financial transactions with a transaction value [17] of $250,000 or less, as well as certain real estate-secured business loans (qualifying business loans or QBLs) with a transaction value of $1 million or less, do not require Title XI appraisals.[18] QBLs are business loans [19] that are real estate-related financial transactions and that are not dependent on the sale of, or rental income derived from, real estate as the primary source of repayment.[20]

For real estate-related financial transactions that are exempt from the Title XI appraisal requirement because they are at or below the applicable thresholds or qualify for the exemption for certain existing extensions of credit,[21] the Title XI appraisal regulations require regulated institutions to obtain an evaluation of the real property collateral that is consistent with safe and sound banking practices.[22] An evaluation should contain sufficient information and analysis to support the financial institution's decision to engage in the transaction.[23]

The agencies proposed to increase the commercial real estate appraisal threshold from $250,000 to $400,000. The proposal would have defined commercial real estate transaction to include all real estate-related financial transactions, except for those secured by a 1-to-4 family residential property,[24] but including loans that finance the construction of 1-to-4 family properties and that do not include permanent financing.[25] Under the proposal, regulated institutions would have been required to obtain evaluations consistent with safe and sound banking

[8] 12 U.S.C. 3339. The agencies' Title XI appraisal regulations apply to transactions entered into by the agencies or by institutions regulated by the agencies that are depository institutions or bank holding companies or subsidiaries of depository institutions or bank holding companies. *See* OCC: 12 CFR 34, subpart C; Board: 12 CFR 225.61(b); 12 CFR part 208, subpart E; and FDIC: 12 CFR part 323.

[9] USPAP is written and interpreted by the Appraisal Standards Board of the Appraisal Foundation. USPAP contains generally recognized ethical and performance standards for the appraisal profession in the United States, including real estate, personal property, and business appraisals. *See http://www.appraisalfoundation.org/imis/TAF/Standards/Appraisal_Standards/Uniform_Standards_of_Professional_Appraisal_Practice/TAF/USPAP.aspx?hkey=a6420a67-dbfa-41b3-9878-fac35923d2af.*

[10] Title XI defines ''written appraisal'' as ''a written statement used in connection with a federally related transaction that is independently and impartially prepared by a licensed or certified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by presentation and analysis of relevant market information. 12 U.S.C. 3350(10).

[11] 12 U.S.C. 3350(4).

[12] 12 U.S.C. 3350(5).

[13] *See* 59 FR 29482 (June 7, 1994).

[14] *See* OCC: 12 CFR 34.43(a); Board: 12 CFR 225.63(a); and FDIC: 12 CFR 323.3(a).

[15] Housing and Community Development Act of 1992, Pub. L. 102–550, section 954, 106 Stat. 3894 (amending 12 U.S.C. 3341).

[16] *See* 59 FR at 29482. The NCUA has promulgated similar rules with similar thresholds. *See* 60 FR 51889 (October 4, 1995) and 66 FR 58656 (November 23, 2001).

[17] For loans and extensions of credit, the transaction value is the amount of the loan or extension of credit. For sales, leases, purchases, investments in or exchanges of real property, the transaction value is the market value of the real property. For the pooling of loans or interests in real property for resale or purchase, the transaction value is the amount of each loan or the market value of each real property, respectively. *See* OCC: 12 CFR 34.42(m); Board: 12 CFR 225.62(m); and FDIC: 12 CFR 323.2(m).

[18] *See* OCC: 12 CFR 34.43(a)(1) and (5); Board: 12 CFR 225.63(a)(1) and (5); and FDIC: 12 CFR 323.3(a)(1) and (5).

[19] The Title XI appraisal regulations define ''business loan'' to mean ''a loan or extension of credit to any corporation, general or limited partnership, business trust, joint venture, pool, syndicate, sole proprietorship, or other business entity.'' OCC: 12 CFR 34.42(d); Board: 12 CFR 225.62(d); and FDIC: 12 CFR 323.2(d).

[20] *See* OCC: 12 CFR 34.43(a)(5); Board: 12 CFR 225.63(a)(5); and FDIC: 12 CFR 323.3(a)(5).

[21] Transactions that involve an existing extension of credit at the lending institution are exempt from the Title XI appraisal requirements, but are required to have evaluations, provided that there has been no obvious and material change in market conditions or physical aspects of the property that threatens the adequacy of the institution's real estate collateral protection after the transaction, even with the advancement of new monies; or there is no advancement of new monies, other than funds necessary to cover reasonable closing costs. *See* OCC: 12 CFR 34.43(a)(7) and (b); Board: 12 CFR 225.63(a)(7) and (b); and FDIC: 12 CFR 323.3(a)(7) and (b).

[22] *See* OCC: 12 CFR 34.43(b); Board: 12 CFR 225.63(b); and FDIC: 12 CFR 323.3(b).

[23] Evaluations are not required to be performed in accordance with USPAP or by state certified or state licensed appraisers. The agencies have provided supervisory guidance for conducting evaluations in a safe and sound manner in the *Interagency Appraisal and Evaluation Guidelines* (Guidelines) and the *Interagency Advisory on the Use of Evaluations in Real Estate-Related Financial Transactions* (Evaluations Advisory, and together with the Guidelines, Evaluation Guidance). *See,* 75 FR 77450 (December 10, 2010); OCC Bulletin 2016–8 (March 4, 2016); Board SR Letter 16–5 (March 4, 2016); and *Supervisory Expectations for Evaluations,* FDIC FIL–16–2016 (March 4, 2016).

[24] A 1-to-4 family residential property is a property containing one, two, three, or four individual dwelling units, including manufactured homes permanently affixed to the underlying land (when deemed to be real property under state law). *See* OCC: 12 CFR part 34 subpart D, Appendix A; Board: 12 CFR 208, Appendix C; and FDIC: 12 CFR part 365, subpart A, Appendix A.

[25] The second part of the definition was intended to clarify, not be an exception to, the first part.

practices in connection with commercial real estate transactions at or below the proposed $400,000 threshold. The agencies did not propose increasing the thresholds for other types of real estate-related financial transactions, but solicited comment on the appropriateness of raising the threshold for residential real estate transactions and QBLs.

The comment period closed on September 29, 2017. The agencies collectively received over 200 comments from appraisers, appraiser trade organizations, financial institutions, financial institutions trade organizations, and individuals.

As noted in the proposal, increases in commercial property values over time have required regulated institutions to obtain Title XI appraisals for a larger proportion of commercial real estate transactions than in 1994 when the current $250,000 threshold was established. This increase in the number of appraisals required may have contributed to increased burden for regulated institutions in terms of time and cost. The proposal was intended to reduce regulatory burden consistent with federal financial and public policy interests in real estate-related financial transactions. Based on supervisory experience and available data, the agencies published the proposal to accomplish these goals without posing a threat to the safety and soundness of financial institutions.

II. Revisions to the Title XI Appraisal Regulations

Overview of Changes

After carefully considering the comments and conducting further analysis, the agencies are adopting a final rule that increases the commercial real estate appraisal threshold with three modifications from the proposal. First, the agencies have decided to increase the commercial real estate appraisal threshold to $500,000 rather than $400,000 as proposed. Second, the final rule also makes a conforming change to the section requiring state certified appraisers to be used for federally related transactions that are commercial real estate transactions above the increased threshold.

Third, the final rule also reflects a change to the proposed definition of commercial real estate transaction, which no longer includes construction loans secured by a single 1-to-4 family residential property, regardless of whether the loan is for initial construction only or includes permanent financing. Thus, under the final rule, a loan that is secured by a single 1-to-4 family residential property, including a loan for construction, will remain subject to the $250,000 threshold.[26] The agencies made this change in the final rule after consideration of the comments, which suggested that including 1-to-4 family constructions loans that do not include permanent financing in the definition, but excluding those that do not, would not significantly reduce burden.

These changes are discussed in more detail below, in the order in which they appear in the rule. As described in more detail below, the effective date for the rule will be the date of its publication in the **Federal Register**. In the Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act),[27] Congress amended the threshold provision to require ''concurrence from the Consumer Financial Protection Bureau (CFPB) that such threshold level provides reasonable protection for consumers who purchase 1–4 unit single-family residences.'' [28] The agencies have received concurrence from the CFPB that the commercial real estate appraisal threshold being adopted provides reasonable protection for consumers who purchase 1–4 unit single family residential properties.

Comments on the Proposed Increase to the Commercial Real Estate Appraisal Threshold

The agencies received a range of comments regarding the proposal to increase the commercial real estate appraisal threshold. Comments from financial institutions and financial institutions trade associations generally supported an increase, although many requested a higher increase than proposed. Comments from appraisers and appraiser-related trade associations generally opposed an increase.

Commenters supporting a threshold increase stated that an increase would be appropriate, given the increases in real estate values since the current threshold was established, the cost and time savings to lenders and borrowers the higher threshold would provide, and the burden relief it would provide to financial institutions in rural and other areas where there are reported shortages of state licensed or state certified appraisers, which may have caused transaction delays and increased lending costs. Commenters supporting a threshold increase also asserted that it would provide burden relief for financial institutions, without sacrificing sound risk management principles or safe and sound banking practices, and that an increase would help justify the cost and return of originating smaller and less complex commercial real estate loans. Several commenters asserted the higher threshold could be implemented easily and would result in burden relief, for example, by reducing loan costs and minimizing delays in loan processing. One commenter asserted that the proposed increase would support local and regional economies, and another represented that it would assist small builders. This same commenter asserted that reducing burden on lenders would facilitate financing to builders generally, as they rely heavily on commercial banks for financing.

Commenters opposing an increase to the commercial real estate appraisal threshold asserted that an increase would elevate risks to financial institutions, the banking system, borrowers, small business owners, commercial property owners, and taxpayers. Several of these commenters asserted that the increased risk would not be justified by burden relief. Other commenters asserted that the proposed increase contradicts publicly stated concerns of the agencies relating to the state of the commercial real estate market and the quality of evaluation reports. Another commenter asserted that the inclusion of construction loans extended to consumers as commercial real estate transactions would magnify risk, as the commenter viewed such loans as particularly risky. One commenter expressed concern that the proposal would lead to increased use of automated valuations, which the commenter asserted are not adequate substitutes for appraisals, or would eliminate collateral verifications altogether.

Some commenters opposing the threshold raised issues unrelated to risk. A few asserted that appraisals are relatively inexpensive and, thus, that the proposed increase would not materially reduce costs. One commenter expressed the view that an increase in the commercial real estate appraisal threshold would be contrary to consumer protection objectives. Another commenter asserted that the agencies are required by Title XI to receive concurrence from the CFPB for a threshold change. In support of its opposition to the proposal, a commenter cited a 2012 U.S. Government Accountability Office (GAO) report, contending that the report found no

[26] Residential construction loans secured by more than one 1-to-4 family residential property will be considered commercial real estate transactions subject to the higher threshold.

[27] Public Law 111–203, 124 Stat.1376.

[28] Dodd-Frank Act, § 1473, 124 Stat. 2190 (amending 12 U.S.C. 3341(b)).

support for raising the threshold.[29] Another commenter asserted that the proposed threshold increase is contrary to Congressional intent and also asserted that most commenters during the EGRPRA process were against a threshold increase.

Several commenters rejected assertions that there was an appraiser shortage warranting regulatory relief, some asserting that any shortage is caused by appraisers' unwillingness to work for appraisal management companies (AMCs) at the reduced fees being offered to appraisers by AMCs. Two commenters questioned the impact of the proposed commercial real estate appraisal threshold on appraiser shortages, one asserting that the number of commercial real estate appraisers has remained relatively steady in recent years and the other asserting that appraiser shortages are primarily related to residential property valuations.

Many commenters opposing the proposal highlighted the benefits that state licensed or state certified appraisers bring to the process of valuing real estate collateral. One of these commenters asserted that appraisers serve a necessary function in real estate lending and expressed concerns that bypassing them to create a more streamlined valuation process could lead to fraud and another real estate crisis. Several commenters highlighted that appraisers are the only unbiased party in the valuation process, in contrast to buyers, agents, lenders, and sellers, who each have an interest in the underlying transactions. One commenter asserted that appraisers have a unique vantage point during the property inspection process to provide lenders with information, in addition to a valuation, that may be critical to the lending decision and help to avoid bad loans and fraud.

Some commenters who were supportive of the proposal also discussed the role of appraisals and appraisers. One of these commenters asserted that appraisals are an integral part of the safety and soundness of the real estate industry, but believed that certain transactions are well served by alternative valuation methods. Some other commenters expressed skepticism about the value of appraisals prepared by independent appraisers. In this regard, one commenter asserted that banks have a better understanding of property values in their communities than appraisers from other areas, while another expressed concern for the reliability of appraisals and whether appraisers' valuations are keeping up with property growth trends. Another commenter expressed concern that appraisers' access to sales contracts can lead to an over-abundance of appraised values at or above the amounts in the contracts.

After carefully considering the comments received, the agencies have decided to increase the commercial real estate appraisal threshold. As discussed in the proposal and further detailed below, increasing the commercial real estate appraisal threshold will provide regulatory relief for financial institutions by removing the appraisal requirement for a material number of transactions without threatening the safety and soundness of financial institutions.

The agencies are increasing the threshold based on express statutory authority to do so if they determine in writing that the threshold does not represent a threat to the safety and soundness of financial institutions.[30] The agencies have made this safety and soundness determination and a detailed analysis is provided below.

Regarding consumer protection concerns, the agencies do not expect that this increase will affect a significant number of consumer transactions. As discussed in more detail below, the final rule is only raising the threshold for commercial real estate transactions. This definition was revised to exclude construction loans secured by a single 1-to-4 family residential property, which would have included construction loans to consumers. As a result of this change, the final rule will not affect a material number of consumer transactions.

Regarding the efficacy of Title XI appraisals, the agencies recognize and are supportive of the role that appraisers play in ensuring a safe and sound real estate lending process, regardless of whether it is in connection with an appraisal or an evaluation. Indeed, the Title XI appraisal regulations, appraiser independence requirements, and the Guidelines emphasize the importance of an independent opinion of collateral value in the process of real estate lending. Through the agencies' supervisory experience with loans that were exempted by the current thresholds and an analysis of loan losses over prior credit cycles for such loans, the agencies have found that evaluations can be an effective valuation method for lower-risk transactions. Even when the transaction amount is at or below the threshold, the Evaluation Guidance encourages regulated institutions to obtain Title XI appraisals when necessary for risk management and to preserve the safety and soundness of the institution.

A. Threshold Increase for Commercial Real Estate Transactions

Definition of Commercial Real Estate Transaction

The commercial real estate appraisal threshold increase applies only to transactions defined as ''commercial real estate transactions.'' Under the proposed definition, a commercial real estate transaction would have included construction loans for 1-to-4 family residential units, but not those providing permanent financing. Accordingly, the proposed definition would have included a loan extended to finance the construction of a consumer's dwelling, but would have excluded construction loans that provide both the initial construction funding and permanent financing.

The agencies received several comments related to the proposed definition. Most comments were not supportive of the proposed treatment of loans to finance the construction of 1-to-4 family residential properties. The one commenter in support of the proposal to include 1-to-4 family construction-only loans in the definition of a commercial real estate transaction asserted that these loans are underwritten similar to commercial real estate transactions.

Some commenters supported excluding all loans to finance the construction of 1-to-4 family residential properties from the definition. Some commenters maintained that it would be safer from a risk perspective to keep construction loans for 1-to-4 family properties in the residential loan category subject to the $250,000 threshold. These commenters asserted that 1-to-4 family construction loans are riskier than conventional residential lending, and maintained that evaluations lack the market analysis needed for a phased construction project. One commenter asserted that there may be limited benefit to including transactions to finance the construction of 1-to-4 family residential properties without permanent financing in the definition of commercial real estate transaction, because an appraisal would be required prior to the permanent financing phase and prudent risk management would dictate obtaining the appraisal prior to initial funding. Another commenter asserted that the implementation of two thresholds for 1-to-4 family residential construction loans would cause

[29] *See* GAO, ''Real Estate Appraisals: Appraisal Subcommittee Needs to Improve Monitoring Procedures,'' GAO–12–147 (January 2012).

[30] 12 U.S.C. 3341(b).

confusion and increase regulatory burden on financial institutions.

A few commenters expressed the view that all residential construction loans should be included in the definition and subject to the higher threshold. One commenter noted that an increasing percentage of 1-to-4 family properties are rental properties and that the proposed definition would have excluded a class of rent-dependent real estate that should be classified as commercial real estate. Another commenter recommended that ''construction-to-permanent'' loans be included in the definition of commercial real estate transaction to increase the financing available for new home construction, indicating that strict underwriting and active engagement among the bank, home builder, and home buyer alleviate risks for these loans. This commenter supported subjecting all construction loans to the same treatment, and asserted that doing so would reduce regulatory burden, provide consistency, and allow for more efficient processes. Another commenter indicated that including all 1-to-4 family construction loans in the definition would avoid creating additional complications by distinguishing such loans into two different classes.

After carefully considering the comments, the agencies have adopted a definition of commercial real estate transaction that excludes construction loans secured by single 1-to-4 family residential properties. Specifically, the final rule defines commercial real estate transaction as a real estate-related financial transaction that is not secured by a single 1-to-4 family residential property. This definition eliminates the distinction between construction loans secured by a single 1-to-4 family residential property that only finance construction and those that provide both construction and permanent financing. Under the definition in the final rule, neither of these types of loans will be commercial real estate transactions; they will both remain subject to the $250,000 threshold.

This approach addresses the potential confusion from subjecting two classes of construction loans secured by a single 1-to-4 family residential property to different threshold levels. The revised definition also reflects comments stating that Title XI appraisals are typically conducted for loans for construction of a single 1-to-4 family residential property regardless of whether the loan provides only financing for construction or provides ''construction-to-permanent'' financing.

The agencies have included the term ''single'' in the definition to clarify that only transactions secured by one 1-to-4 family residential property are excluded from the definition of ''commercial real estate transaction,'' whether financing construction or for other purposes. This change addresses potential confusion about whether a loan for the construction of multiple residential properties would meet the definition of ''commercial real estate transaction;'' a loan that is secured by multiple 1-to-4 family residential properties (for example, a loan to construct multiple properties in a residential neighborhood) would meet the definition of commercial real estate transaction and thus be subject to the higher threshold.

This approach addresses concerns about consumer protection, because a large portion of loans to finance the purchase or initial construction of a single 1-to-4 family residential property that are secured by the property are likely to be extended to consumers who will use the property as their dwelling. By contrast, transactions secured by multiple 1-to-4 family properties are more likely to be transactions to real estate developers or investors in rental properties.

The agencies note that they proposed to treat construction-only loans to consumers as commercial real estate transactions to maintain consistency with agency reporting standards and other regulations and guidance that address construction loans to consumers in other contexts. As in the proposal, the definition being adopted generally aligns with the categories of commercial real estate transactions under the Call Report [31] and other agency guidance,[32] with the exception that construction loans secured by a single 1-to-4 family property would not be considered a commercial real estate transaction for purposes of this rule.

The agencies have determined that, on balance, the benefits of adopting this definition of commercial real estate transaction outweigh the drawbacks of the limited inconsistency with other agency issuances relating to commercial real estate lending. Those issuances are for different purposes than the Title XI appraisal regulations, and a different set of considerations is relevant for determining what types of transactions are appropriately exempt from the Title XI appraisal requirement on the basis of transaction size. The definition of commercial real estate transaction in the final rule ensures that loans made to consumers are largely treated consistently, remaining subject to the $250,000 threshold. In addition, by categorizing residential construction loans more clearly, the definition of commercial real estate transaction being adopted can facilitate compliance and enhance the burden reduction benefits of the rule.

Threshold Increase

The agencies proposed increasing the commercial real estate appraisal threshold from $250,000 to $400,000. In determining the level of increase, the agencies considered the change in prices for commercial real estate measured by the Federal Reserve Commercial Real Estate Price Index (CRE Index). As described in the proposal, the CRE Index [33] is a direct measure of the changes in commercial real estate prices in the United States.[34]

[31] The following four categories of real-estate secured loans in the Consolidated Reports of Condition and Income (Call Report) (FFIEC 031; RCFD 1410) are largely captured in the definition of commercial real estate transaction in the rule: (1) For construction, land development, and other land loans; (2) secured by farmland; (3) secured by residential properties with five or more units; or (4) secured by nonfarm nonresidential properties. As discussed in the proposal, loans that provide construction funding and are secured by a single 1-to-4 family residential property are typically reported as ''for construction, land development, and other land loans.'' The definition applies to corresponding categories of real estate-secured loans in the FFIEC 041 and FFIEC 051 forms of the Call Report.

[32] Other interagency guidance includes all construction loans in one category: Real Estate Lending: Interagency Statement on Prudent Risk Management for Commercial Real Estate Lending, OCC Bulletin 2015–51 (December 18, 2015); Statement on Prudent Risk Management for Commercial Real Estate Lending, Board SR Letter 15–17 (December 18, 2015); Statement on Prudent Risk Management for CRE Lending, FDIC FIL–62–2015 (December 18, 2015); Guidance on Prudent Loan Workouts, OCC Bulletin 2009–32 (October 30, 2009); Policy Statement on Prudent Commercial Real Estate Loan Workouts, Board SR Letter 09–07 (October 30, 2009); Policy Statement on Prudent Commercial Real Estate Loan Workouts, FDIC FIL–61–2009 (October 30, 2009); Concentrations in Commercial Real Estate Lending, Sound Risk Management Practices, 71 FR 74580 (December 12, 2006).

[33] The Board publishes data on the flow of funds and levels of financial assets and liabilities, by sector and financial instrument; full balance sheets, including net worth, for households and nonprofit organizations, nonfinancial corporate businesses, and nonfinancial noncorporate businesses; Integrated Macroeconomic Accounts; and additional supplemental detail. *See* Board of Governors of the Federal Reserve System, Financial Accounts of the United States, *https://www.federalreserve.gov/releases/z1/current/default.htm.*

[34] The CRE Index is quarterly and not seasonally adjusted. *See* Board of Governors of the Federal Reserve System, Series analyzer for FL075035503.Q, *https://www.federalreserve.gov/apps/fof/SeriesAnalyzer.aspx?s=FL075035503&t=&bc=:FI075035503,FL075035503&suf=Q;* Board of Governors of the Federal Reserve System, Series Structure, *https://www.federalreserve.gov/apps/fof/SeriesStructure.aspx.*

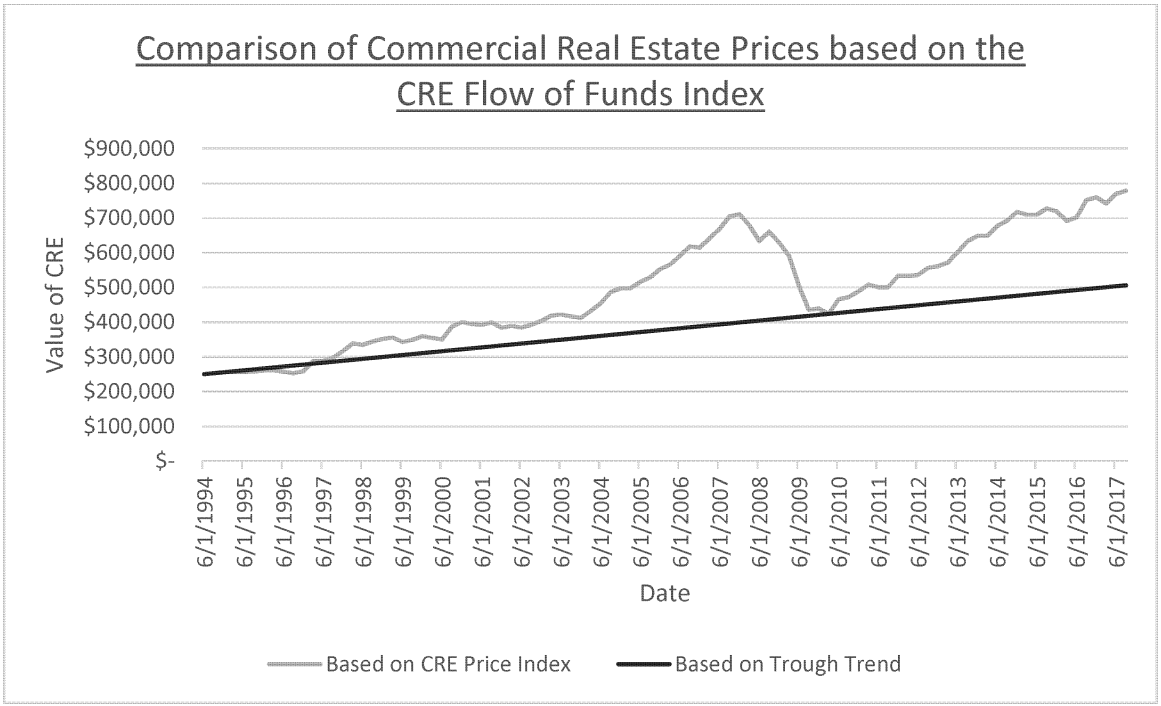
The CRE Index is comprised of data from the CoStar Commercial Repeat Sale Index,[35] which uses repeat sale regression analysis of 1.7 million commercial property sales records to compare the change in price for the same property between its most recent and previous sale transactions.[36] The data incorporated into this index covers properties across the country and across all price ranges,[37] from before 1994 through the present.

According to the CRE Index, a commercial property that sold for $250,000 as of June 30, 1994, would be expected to sell for approximately $760,000 as of December 2016.[38] However, because the price of commercial real estate can be particularly volatile, the agencies proposed to base the increased threshold on the value of the CRE Index when commercial real estate prices were at their lowest point in the most recent downturn, which was $423,000 in March 2010. The agencies invited comment on the proposed level for the commercial real estate appraisal threshold.

Most of the commenters, who supported increasing the threshold to at least $400,000, supported a higher amount. Some of these commenters also advocated for automatically increasing or reevaluating the level more frequently than every ten years as real estate prices rise and valuation technology changes. Some commenters urged the agencies to conduct further analysis to determine whether the threshold could be increased to a higher amount, but did not specify an amount. Some commenters supported increasing the threshold to $500,000 and suggested that this higher figure would avoid the need for additional changes to the threshold in the near-term due to expected increases in prices. A few commenters supported raising the threshold to $750,000 or higher, claiming the methodology in the proposal was unnecessarily conservative.

Some commenters supported lowering the commercial real estate appraisal threshold to unspecified amounts. Some of those commenters specifically objected to the methodology used by the agencies in the proposal, asserting that adjusting the previous $250,000 level for changes in prices was inappropriate because that level was not itself the result of an inflation adjustment.

After careful consideration of the comments, the agencies have increased the commercial real estate appraisal threshold to $500,000, rather than the proposed $400,000 level. The proposed $400,000 threshold was based on the value of the CRE Index in March 2010, when commercial real estate prices were at their lowest point in the most recent downturn. The agencies proposed this conservative approach, due to the volatility of commercial real estate prices over time. The agencies based the beginning point of this analysis on $250,000, because supervisory experience with the $250,000 threshold has confirmed that this threshold level did not threaten the safety and soundness of financial institutions. Based on the CRE Index, a commercial property that sold for $250,000 as of June 30, 1994, would be expected to sell for $423,600 in March 2010, which was the trough of the CRE price cycle. Following this trend, that property would be expected to have a conservative value of approximately $509,000 as of December 2017 (as shown below). Based on the comments received and this further review of the CRE Index, as well as the safety and soundness analysis discussed below, the agencies have decided to finalize the threshold at $500,000.



[35] Board of Governors of the Federal Reserve System, Series analyzer for FL075035503.Q, *https://www.federalreserve.gov/apps/fof/SeriesAnalyzer.aspx?s=FL075035503&t=&bc=:FI075035503,FL075035503&suf=Q.* Data for years prior to 1996 are comprised of a weighted average of three appraisal-based commercial property series from National Real Estate Investor. *Id.*

[36] CoStar, *Federal Reserve's Flow of Funds to Incorporate CoStar Group's Price Indices,* CoStar (June 4, 2012), *http://www.costar.com/News/Article/Federal-Reserves-Flow-of-Funds-To-Incorporate-CoStar-Groups-Price-Indices/138998.*

[37] *See id.*

[38] Since the proposal was published, the CRE Index data points for some of the recent quarters were revised. The numbers in this document reflect the revised CRE Index.

Regarding the suggestion to raise the commercial real estate appraisal threshold to $750,000 or higher, the agencies also note that $750,000 was close to the high point on the volatile CRE Index, as discussed above. Given the volatility in commercial real estate prices, raising the threshold to this amount or higher would raise safety and soundness concerns. Finally, a possible threshold increase to $750,000 or higher may pose too great a risk to smaller institutions, as such transactions may represent a higher percentage of capital for such firms than has historically been permitted under the 1994 threshold.

In the proposal, the agencies also invited comment on how having three threshold levels ($250,000 for all transactions, $400,000 for commercial real estate transactions, and $1 million for QBLs) rather than the two threshold levels applicable to Title XI appraisals ($1 million for QBLs and $250,000 for all other transactions) would affect burden on regulated institutions. Three commenters supported the proposal, noting that having three thresholds would have minimal impact on operations. One commenter opposed having three thresholds, asserting that it will increase complexity, particularly for small community banks with less rigorous compliance operations. The agencies have determined that the burden reduction associated with a higher threshold for commercial real estate transactions outweighs the potential burden of implementing three thresholds.

Safety and Soundness Considerations for Increasing the Threshold for Commercial Real Estate Transactions

Under Title XI, the agencies may set a threshold at or below which a Title XI appraisal is not required if they determine in writing that such a threshold level does not pose a threat to the safety and soundness of financial institutions.[39] The analysis of supervisory experience and available data presented in the proposal indicated that the proposed threshold level of $400,000 for commercial real estate transactions would not have posed a threat to the safety and soundness of financial institutions. The agencies invited comment on their preliminary finding and the data used. Taking into consideration those comments and updated analysis, discussed below, the agencies determined that the threshold level of $500,000 for commercial real estate transactions does not pose a threat to the safety and soundness of financial institutions.

Multiple financial institutions trade associations, financial institutions, individuals, and home builder and realtor associations supported the agencies' analysis showing that an increase to the appraisal threshold for commercial real estate would not have a significant impact on the safety and soundness of financial institutions. A few commenters noted that appraisals are only one part of the underwriting process, one asserting that loans are primarily underwritten on borrowers' ability to repay, with collateral as a secondary consideration. Another commenter asserted that commercial borrowers tend to be larger entities, with the capital to withstand detrimental financial events and shifts in the market. This commenter also indicated that the proposal would not increase safety and soundness risk, given that the increased threshold would affect a relatively small number of transactions in the commercial real estate lending market.

Some commenters noted that evaluations would be required where appraisals were not obtained, and some asserted that the increased use of evaluations with these less complex loans would not increase risk if prepared with adequate analysis. One of these commenters asserted that evaluations for smaller transactions provide more targeted and precise data than appraisals performed by someone from another area.

The agencies received comments from appraisers, appraiser-related groups and individuals opposing the proposed increase, many of whom asserted that appraisals are key to preserving the safety and soundness of financial institutions and the economy. Several of these commenters claimed that evaluations were not an appropriate substitute for appraisals, some suggesting that they are less reliable and prepared by individuals that are not held to the same standards as appraisers. One commenter asserted that the increase would pose safety and soundness risks because commercial loans are riskier than residential loans. Another commenter suggested that entry-level properties that are lower in price and close to the threshold are more likely to have performance issues compared to more expensive properties. One commenter raised concerns that the rule focused on time and cost savings to financial institutions in selecting an appropriate valuation method, rather than risk.

Several commenters voiced concerns about recent price increases, increasing delinquencies, or volatility in the commercial real estate market, which, some asserted, may be indicative of a market ''bubble.'' Some commenters suggested that it is the wrong time to relax valuation standards, given their view that past market bubbles have been preceded by loosening of underwriting and appraisal standards, and that poor valuation practices contributed to losses during past financial crises. One of these commenters asserted that there is increasing risk in commercial real estate lending, particularly among smaller community and regional banks, which the commenter believed are less likely to have robust collateral risk management policies, practices and procedures.

Multiple commenters noted a 2015 appraiser trade association survey of appraisal industry professionals, including chief appraisers and appraisal managers at financial institutions, which showed that the majority of those surveyed opposed increasing the current $250,000 threshold and believed that increases to the threshold could increase risk to lenders.

The agencies received a limited number of comments in response to the request for comment on the data sources used for the agencies' safety and soundness analysis from financial institutions, financial institution trade associations and appraiser trade associations. Multiple commenters asserted that the data in the proposal supports the increase in the commercial real estate threshold, and indicated that they did not know of other sources of data that the agencies should consider. A number of commenters asserted that the agencies' analysis was too conservative, that past housing crises do not imply current volatility, and that the data suggest the threshold could be increased further than proposed without threatening safety and soundness of financial institutions. One commenter opposing the proposal suggested that the data used in the agencies' safety and soundness analysis was weak and questioned why the agencies did not provide specific numbers to support the assertion that the data related to charge-offs from 2007–2012 is ''no worse than'' those from the years 1991–1994, except for marked increases in construction loan charge-offs.[40] This commenter also

[39] 12 U.S.C. 3341(b).

[40] During the 1991–1994 credit cycle, the net charge-off rate for commercial real estate loans reached a high of about 4.5 percent. During the 2007–2012 credit cycle, net charge-off rates reached a high of about 3.5 percent. These are the numbers the agencies used to support their conclusion that the data related to charge-offs from 2007 to 2012 was no worse than that from the years 1991 to 1994.

Continued

asserted that the agencies' analysis of the CoStar data should have considered that newly exempted loans under the higher threshold would more likely be extended to small businesses, which by nature are more vulnerable to market volatility and the potential for business failure.

Based on their supervisory experiences, the agencies disagree that increasing the commercial real estate appraisal threshold would increase risks to financial institutions, including smaller institutions. As outlined earlier, the agencies closely examined a variety of data and metrics indicating that the relative risks associated with the new threshold in terms of the scope of covered transactions were similar to those presented by the 1994 threshold. The agencies specifically examined the information from smaller insured depository institutions (IDIs) from Call Reports to assess the concentration risk for institutions and concluded that these risks were similar to those presented for larger IDIs. The agencies also note that smaller IDIs are often better positioned than larger institutions to understand and quantify local real estate market values since they serve a smaller, more defined market area.

Regarding comments concerning evaluations as a valuation method, in the agencies' views, evaluations are an effective valuation method for smaller commercial real estate transactions and other transactions under the thresholds. As provided in the Title XI appraisal regulations, evaluations for each transaction must be consistent with safe and sound banking practices. The Evaluation Guidance provides guidance on appropriate evaluation practices. In adopting the increased threshold for commercial real estate transactions, the agencies note that regulated institutions have the flexibility to choose to obtain a Title XI appraisal when markets are volatile or when an appraisal is warranted for other reasons.[41]

The agencies have no evidence that increasing the appraisal threshold to $500,000 for commercial real estate transactions will materially increase the risk of loss to financial institutions. Analysis of supervisory experience concerning losses on commercial real estate transactions suggests that faulty valuations of the underlying real estate collateral since 1994 have not been a material cause of losses in connection with transactions at or below $250,000.[42] In the last three decades, the banking industry suffered two crises in which poorly underwritten and administered commercial real estate loans were a key feature in elevated levels of loan losses and bank failures. Supervisory experience and an examination of material loss reviews covering those decades suggest that larger acquisition, development, and construction transactions pose greater credit risk, due to the lack of appropriate underwriting and administration of issues unique to larger properties, such as longer construction periods, extended ''lease up'' periods (the time required to lease a building after construction), and the more complex nature of the construction of such properties.[43]

In addition to considering the agencies' supervisory experience since 1994, the agencies reviewed how the coverage of transactions exempted by the threshold would change, both in terms of number of transactions and aggregate value, in order to consider the potential impact on safety and soundness of increasing the commercial real estate appraisal threshold to $500,000. In the proposal, the agencies used three different metrics to estimate the overall coverage of the existing threshold and the proposed threshold: (1) The number of commercial real estate transactions at or under the threshold as a share of the number of all commercial real estate transactions; (2) the dollar volume of commercial real estate transactions at or under the threshold as a share of the total dollar volume of all commercial real estate transactions; and (3) the dollar volume of commercial real estate transactions at or under the threshold relative to IDIs' capital and the allowance for loan and lease losses, which act as buffers to absorb losses, as explained below. The agencies examined data reported on the Call Report and data from the CoStar Comps database to estimate the volume of commercial real estate transactions covered by the existing threshold and increased thresholds.

The Call Report data shows that the scope of the exemption in 1994, in terms of the number of transactions impacted, decreased significantly over time, and implies that raising the commercial real estate appraisal threshold to $500,000 will not involve a greater number of transactions than when the thresholds were established in 1994.

Due to the manner in which IDIs report information on nonfarm nonresidential (NFNR) loans in the Call Report, this data set does not enable the agencies to calculate the percentage of loans that would fall under any threshold amount between $250,000 and $1 million.[44] The percentage of the total dollar volume of loans that fall beneath the $250,000 threshold is now less than one third of what it was when the threshold was established in 1994.[45] This is true even for institutions under $1 billion in assets, who are more likely to hold smaller loans. Based in part on this analysis, the agencies conclude that the exposure of financial institutions will remain at acceptable levels with a $500,000 commercial real estate appraisal threshold.

The CoStar Comps database provides sales value data on specific commercial real estate transactions and allows for an analysis of the estimated coverage at any potential threshold level. As described in the proposal, the agencies used this dataset to analyze the impact of increasing the commercial real estate appraisal threshold to $400,000, and have recently updated this analysis to evaluate the impact of a $500,000 threshold. An analysis of the CoStar Comps database for the most recent year available suggests that increasing the amount to $500,000 would significantly increase the number of commercial real estate transactions exempted from the Title XI appraisal requirements, but the portion of the total dollar volume of commercial real estate transactions that would be exempted by the threshold would be comparatively minimal.

At the existing $250,000 threshold and the proposed $400,000 threshold, the percentage of commercial properties with loans in the CoStar Comps database that would be exempted from the Title XI appraisal regulations would have been 16.1 percent and 26.3

Federal Reserve Bank of San Francisco: Aggregate Net Charge-Off Rate Database as derived from the Federal Financial Institutions Examination Council Consolidated Reports of Condition and Income, FFIEC031 4Q 2016: *http://www.frbsf.org/banking/data/aggregate-data/*.

[41] 75 FR 77450, 77460.

[42] *See* 82 FR at 35484.

[43] *See id.*

[44] As described in the proposal, IDIs annually report information on NFNR loans in the Call Report by three separate size categories: (1) Loans with original amounts of $100,000 or less; (2) loans with original amounts of more than $100,000, but $250,000 or less; and (3) loans with original amounts of more than $250,000, but $1 million or less. They also annually report the dollar amount of all NFNR loans, including those over $1 million. Using this data, the agencies calculated the dollar amount of NFNR loans at or under the current $250,000 threshold as a percentage of the dollar amount of all NFNR loans.

[45] In the proposal, the agencies explained that 18 percent of the dollar volume of all NFNR loans reported by IDIs had original loan amounts of $250,000 or less when the current appraisal threshold was established in 1994, but as of the fourth quarter of 2016, approximately 4 percent of the dollar volume of such loans had original loan amounts of $250,000 or less. 82 FR at 35485.

percent, respectively.[46] The $500,000 threshold that the agencies are adopting will increase the percentage of transactions affected by another 5.5 percent, resulting in 31.9 percent of loans in the CoStar database being exempt from the appraisal requirement, or 15.7 percent more transactions than under the $250,000 threshold. The proposed $400,000 threshold would have increased the percentage of exempted transactions by dollar volume from 0.5 percent, under the current threshold, to 1.2 percent. Increasing the threshold to $500,000 would increase the dollar volume by an additional 0.5 percent, so that a total of 1.8 percent of the dollar volume of loans in the CoStar database will be exempt from the appraisal requirement, or 1.3 percent more of the dollar volume than under the $250,000 threshold. Thus, this analysis indicates that the increased threshold will affect a low aggregate dollar volume, but a material number of transactions.

The agencies have used this analysis and the Call Report analysis to determine that increasing the commercial real estate appraisal threshold to $500,000 does not pose a threat to safety and soundness. In reaching this determination, the agencies also considered the fact that evaluations would be required for such transactions. The Guidelines provide regulated institutions with guidance on establishing parameters for ordering Title XI appraisals for transactions that present significant risk, even if those transactions are eligible for evaluations under the regulation.[47] Regulated institutions are encouraged to continue using a risk-focused approach when considering whether to order an appraisal for real estate-related financial transactions.

B. Use of Evaluations

Overview

The Title XI appraisal regulations require regulated institutions to obtain evaluations for three categories of real estate-related financial transactions that the agencies have determined do not require a Title XI appraisal, including commercial and residential real-estate related financial transactions of $250,000 or less and QBLs with a transaction value of $1 million or less.[48] Accordingly, the agencies proposed to require that regulated institutions entering into commercial real estate transactions at or below the proposed commercial real estate appraisal threshold obtain evaluations that are consistent with safe and sound banking practices unless the institution chooses to obtain an appraisal for such transactions.[49]

The agencies are adopting this aspect of the proposal in the final rule without change.[50] An evaluation estimates the market value of real estate, but is not subject to the same requirements as a Title XI appraisal. For example, a Title XI appraisal must be performed by a state certified or state licensed appraiser and must conform to USPAP standards, whereas evaluations are not required to be performed by individuals with specific credentials or to conform to USPAP standards. As noted above, the agencies have issued guidance on the preparation of evaluations.[51]

The agencies requested comment on the proposed requirement that regulated institutions obtain evaluations for commercial real estate transactions at or below the proposed commercial real estate appraisal threshold. The agencies also asked related questions concerning whether additional guidance is needed by institutions to support the increased use of evaluations as well as questions concerning burden and costs related to the use of evaluations.

Evaluations Required at or Below the Threshold

Several commenters generally supported the proposal that regulated institutions obtain evaluations for commercial real estate transactions at or below the threshold. Other commenters expressed concern regarding the competency and credentialing of persons performing evaluations, as well as concerns regarding difficulty in locating persons qualified to perform evaluations.[52] Some of these commenters also expressed concern over the lack of standards for evaluations and the lack of oversight and regulation for persons performing evaluations. One commenter urged the agencies to increase the qualification requirements for those completing evaluations if the commercial real estate appraisal threshold were increased.

As discussed in the proposal, institutions must obtain evaluations that are consistent with safe and sound banking practices. The agencies have provided guidance to regulated institutions on evaluations.[53] The Guidelines state that evaluations should be performed by persons who are competent and have the relevant experience and knowledge of the market, location, and type of real property being valued. An evaluation is not required to be completed by a state licensed or state certified appraiser, but may be completed by an employee of the regulated institution or by a third party, as addressed in the Evaluations Advisory.[54] However, the agencies' final rule does not prohibit regulated institutions from using state licensed or state certified appraisers to prepare evaluations. A Title XI appraisal would satisfy the requirement for an ''appropriate evaluation of real property collateral that is consistent with safe and sound banking practices;'' thus, regulated institutions that choose to obtain Title XI appraisals for real estate-related financial transactions that require evaluations are not in violation of the Title XI appraisal regulations.

Evaluation Guidance

The agencies also requested comment on the type of additional guidance, if any, regulated institutions need to support the increased use of evaluations. In response, the agencies received comments indicating concern regarding the clarity of, and the burden produced by, the existing guidance on evaluations. A few commenters requested that the agencies provide additional guidance, such as guidance relating to the adequacy of evaluation products available on the market or examples of acceptable industry practices for evaluations. Some other

[46] Certain percentages shown here differ from the values presented in the proposal because of ongoing refinements to the database and filters used to extract the information. The methodology was further refined to improve its ability to reflect the relevant population of commercial real estate transactions. Also, values presented here may not sum due to rounding.

[47] *See* Guidelines, Section XI.

[48] *See* OCC: 12 CFR 34.43(a)(1) and (5); Board: 12 CFR 225.63(a)(1) and (5); and FDIC: 12 CFR 323.3(a)(1) and (5).

[49] An evaluation is not required when real estate-related financial transactions meet the threshold criteria and also qualify for another exemption from the appraisal requirements where no evaluation is required by the regulation.

[50] The agencies are adopting the commercial real estate appraisal threshold at $500,000, which is higher than proposed. Financial institutions will be required to obtain evaluations for commercial real estate transactions with transaction values of $500,000 or less.

[51] *See* Evaluation Guidance.

[52] A commenter highlighted two sentences in the proposal that appeared to conflict with the requirements of the appraisal regulations. First, the commenter disagreed with the following statement in the proposal: ''Unlike appraisals, evaluations may be performed by a lender's own employees and are not required to comply with USPAP.'' The agencies agree with the commenter that regulations do not prohibit employees of regulated institutions from preparing appraisals if they are so qualified and independent of the real estate-related financial transaction.

[53] *See* Evaluation Guidance.

[54] OCC Bulletin 2016–8 (March 4, 2016); Board SR Letter 16–05 (March 4, 2016); and *Supervisory Expectations for Evaluations,* FDIC FIL–16–2016 (March 4, 2016).

commenters requested that the agencies revisit and relax the current guidance pertaining to evaluations and ensure examiners accept evaluations when permissible. One commenter expressed the view that a simplification would make the current existing guidance for evaluations less time consuming and complex for lower value transactions. Another commenter suggested there should be no need for a review of internal evaluations where the direct lender did not complete the evaluation.

The Evaluation Guidance provides information to help ensure that evaluations provide a credible estimate of the market value of the property pledged as collateral for the loan. The current Evaluation Guidance provides flexibility to regulated institutions for developing evaluations that are appropriate for the type and risk of the real estate financial transaction and does not prescribe specific valuation approaches or products to use tools in the development of evaluations. Also, in addition to various valuation approaches, the Guidelines discuss the possible use of several analytical methods and technological tools in the development of evaluations, such as automated valuation models and tax assessment values. The agencies will continue to assess the adequacy of agency guidance on evaluations.

Cost and Burden of Evaluations

The agencies invited comment regarding whether the use of evaluations reduces burden and cost as compared to the use of Title XI appraisals. The agencies also invited comment on whether evaluations are currently prepared by in-house staff or outsourced to appraisers or other qualified professionals.

The agencies received several comments indicating that the proposed increase in the commercial real estate appraisal threshold and the increased use of evaluations would provide cost and time savings for consumers and institutions, because evaluations tend to cost less that appraisals and take less time to prepare. One commenter asserted that third-party evaluations are approximately 25 percent of the cost of an appraisal. Another commenter indicated noted that some financial institutions prefer to conduct them in-house to maintain consistency of the product and because of staff knowledge of the marketplace. One commenter asserted that appraiser-developed evaluations are unnecessarily expensive, necessitating evaluations to be conducted in-house. Another commenter indicated that increasing the threshold would provide cost savings for portfolio loans but would not address issues related to secondary market requirements, which are outside the agencies' purview.

On the other hand, some commenters asserted that the agencies had overstated how much the proposal would reduce burden for regulated institutions, and questioned the agencies' methods for estimating the reduction in burden. Some commenters expressed concern regarding the length of time required to review an evaluation. A few commenters suggested that the agencies' cost analysis reflected a lack of precision and absence of detailed research to determine the cost differential of appraisals and evaluations between the current and proposed threshold. This same commenter asserted that evaluations lack the detail of appraisals, and, as a result, lenders are often required to perform additional research in determining whether evaluations are credible, which reduces cost and time savings produced by the proposal. One commenter implied that the limited guidance for performing evaluations creates confusion, which results in added costs. One commenter asserted that it is not true that evaluations contain less detailed information or take less time to review than appraisals.[55] Another commenter asserted that, because evaluations provide less detail than appraisals, lenders may be required to do more research to determine whether the value conclusion is credible.

The agencies carefully considered these comments in evaluating the rule's impact on the time to obtain and review Title XI appraisals and evaluations. The agencies conclude that there may be less delay in finding appropriate personnel to perform an evaluation than to perform a Title XI appraisal, particularly in rural areas, because evaluations are not required to be prepared by a certified or licensed appraiser. Requiring regulated institutions to procure the services of a state licensed or state certified appraiser to prepare evaluations for commercial real estate transactions at or below the threshold could impose significant additional costs on lenders and borrowers without materially increasing the safety and soundness of the transactions. The agencies' data and analysis reflect that the increase in the commercial real estate appraisal threshold and corresponding increased use of evaluations could result in a cost savings of several hundred dollars for each commercial real estate transaction, as discussed below.

Based on supervisory experience the agencies conclude that regulated institutions generally need less time to review evaluations than Title XI appraisals, because the content of the report can be less comprehensive than an appraisal report. Transactions permitting the use of an evaluation typically have a lower dollar value, often are less complex, or are subsequent to previous transactions for which Title XI appraisals were obtained. Therefore, a consolidated analysis is more likely to be used in an evaluation. The agencies estimate that, on average, the time to review an evaluation for an affected transaction under the final rule will be approximately 30 minutes less than the time to review an appraisal.[56]

In evaluating this rule, the agencies considered the impact of obtaining evaluations instead of Title XI appraisals on regulated institutions and borrowers. As noted in the proposal, based on information from industry participants, the cost of third-party evaluations of commercial real estate generally ranges from $500 to over $1,500, whereas the cost of appraisals of such properties generally ranges from $1,000 to over $3,000. Commercial real estate transactions with transaction values above $250,000, but at or below $500,000, are likely to involve smaller and less complex properties, and appraisals and evaluations on such properties would likely be at the lower end of the cost range. This third-party pricing information suggests a savings of several hundred dollars per transaction affected by the proposal. Comments from financial institutions generally affirmed similar information presented in the proposal.

In considering the aggregate effect of this rule, the agencies considered the number of transactions affected by the increased threshold. As previously discussed, the agencies estimate that the number of commercial real estate transactions that would be exempted by

[55] Two commenters disagreed with the agencies' use of the term ''loan officer'' relative to the estimated time for reviewing an appraisal or evaluation, and asserted that the usage of the term could be perceived to imply that originators are permitted to be involved in the appraisal review process, which is contrary to the agencies' appraiser independence requirements. The agencies were using the term ''loan officer'' in its broadest context, and did not intend to imply that the officer originating the credit may conduct appraisal or evaluation reviews relating to that credit. The use of the term ''loan officer'' was not intended to change standards established on appraiser independence or any implementing guidance.

[56] The agencies recognize some evaluations take longer to review than some appraisals; yet, on average, evaluations are likely to take less time to review than appraisals. This view is based on supervisory experience as well as discussions with regulated institutions.

the threshold is expected to increase by approximately 16 percent under the rule. Thus, while the precise number of affected transactions and the precise cost reduction per transaction cannot be determined, the rule is expected to lead to significant cost savings for regulated institutions that engage in commercial real estate lending.

Competitive Disadvantage of Evaluations

The agencies received comments from financial institutions, individuals, and a trade association representing valuation professionals, indicating concern that the proposal would put smaller banks that do not have in-house expertise to prepare evaluations at a competitive disadvantage to larger banks. Commenters asserted that these banks hire outside parties to prepare evaluations and pass the cost along to borrowers, making their loans more expensive than comparable loans at larger financial institutions.

In evaluating the final rule, the agencies considered these concerns. In response, the agencies note that the cost for completing an evaluation would be less than the cost for completing a Title XI appraisal for the same property, which thereby reduces burden. The goal of the agencies with this increase is to provide flexibility to regulated institutions in approaching property valuation. Some institutions may not currently be in a position to take advantage of this flexibility. However, raising the threshold will help those regulated institutions that choose to train in-house staff to perform evaluations and would reduce costs for those institutions that choose to outsource evaluations.

C. State Certified Appraiser Required

As described in the proposal, the current Title XI appraisal regulations require that ''[a]ll federally related transactions having a transaction value of $250,000 or more, other than those involving appraisals of 1-to-4 family residential properties, shall require an appraisal prepared by a State certified appraiser.'' [57] In order to make this paragraph consistent with the other proposed changes to the appraisal regulations, the agencies proposed to change its wording to introduce the $400,000 threshold and use the term ''commercial real estate transaction.'' The agencies did not receive any comments on this proposed change.

Given the change from the proposed rule from a $400,000 threshold to a $500,000 threshold, the final rule makes a corresponding change to this section. The amendment to this provision is a technical change that does not alter any substantive requirement.

III. Effective Date

The agencies proposed to make the final rule, if adopted, effective upon publication in the **Federal Register**. The agencies reasoned that a delayed effective date was not required by applicable law because the proposal exempted additional transactions from the Title XI appraisal requirements and did not impose any new requirements on regulated institutions.[58] The agencies requested comment on whether the proposed effective date was appropriate.

The agencies received three comments on the proposed effective date. One commenter supported the proposed effective date and did not think it would pose challenges to financial institutions. The other two commenters disagreed with an immediate effective date, asserting that financial institutions required time to adjust policies and procedures to implement the proposed changes. One commenter recommended a six-month to one-year implementation period, while the other suggested an effective date 180 days after the final rule is published.

The agencies have retained the proposed effective date, which is the date of publication in the **Federal Register**.[59] In doing so, the agencies balanced the need for some financial institutions to update policies and procedures to incorporate evaluations for transactions exempted by the revised threshold with the benefit of an immediate effective date, which will enable institutions to benefit from lower costs and regulatory relief upon or shortly after the effective date of the final rule. The agencies note that an effective date immediately upon publication in the **Federal Register** is the approach used in adopting the 1994 amendments to the Title XI appraisal regulations. The agencies are not aware of any evidence that using an immediate effective date in connection with the 1994 amendments caused a competitive disadvantage or hardship to regulated institutions. The agencies also note that regulated institutions have the discretion to use Title XI appraisals in lieu of evaluations for any exempt transaction.

IV. Other Efforts To Relieve Burden

Residential and Qualifying Business Loan Thresholds

The agencies explained in the proposal that they were not proposing any threshold increases for transactions secured by a single 1-to-4 family residential property (residential transactions) or QBLs in connection with this rulemaking. The agencies requested comment on whether there are other factors that should be considered in evaluating the current appraisal threshold for residential transactions. The agencies also invited comment and supporting data on the appropriateness of raising the current $1 million threshold for QBLs and posed a number of specific questions related to regulated institutions' experiences with QBLs.

Numerous commenters, particularly financial institutions and their trade associations, encouraged the agencies to consider increasing the threshold for residential transactions, though few introduced new factors for the agencies' consideration. Many of these commenters asserted that an increase would produce cost and time savings that would benefit regulated institutions and consumers without threatening the safety and soundness of financial institutions. In support of its position that an increase would not threaten safety and soundness, one of these commenters asserted that there is less risk in the homogenous loan pool of 1-to-4 family residential loans than there is in commercial real estate. One commenter asserted that the consumer benefits of appraisals have been overstated, that appraisals are primarily for the benefit of financial institutions, and that consumers could always order their own appraisals.

Several commenters supporting an increase in the threshold for residential transactions noted that an increase in the threshold would be justified by increases in residential property values since the current threshold was established. Some commenters represented that relief would be particularly beneficial for lending in

[57] OCC: 12 CFR 34.43(d); Board: 12 CFR 225.63(d)(2); and FDIC: 12 CFR 323.3(d)(2).

[58] *See* 82 FR at 35482.

[59] As discussed in Section V.A of the **SUPPLEMENTARY INFORMATION**, the 30-day delayed effective date required under the Administrative Procedure Act (APA) is waived pursuant to 5 U.S.C. 553(d)(1), which provides a waiver when a substantive rule grants or recognizes an exception or relieves a restriction. Additionally, the Riegle Community Development and Regulatory Improvement Act of 1994, Public Law 103–325, 108 Stat. 2163 (Riegle Act) provides that rules imposing additional reporting, disclosures, or other new requirements on IDIs generally must take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form. 12 U.S.C. 4802(b). As discussed further in the Section V.D of the **SUPPLEMENTARY INFORMATION**, the final rule does not impose any new requirements on IDIs, and, as such, the effective date requirement of the Riegle Act is inapplicable.

rural communities that often have shortages in state licensed and state certified appraisers. One of these commenters cited feedback from several state bank supervisory agencies indicating that access to appraisers, particularly for residential transactions, is limited in rural areas within their states and that federal appraisal regulations are causing significant burden. A few commenters noted that the government sponsored enterprises (GSEs) waive appraisal requirements for certain residential mortgage loans that they purchase and they expected the GSEs to expand eligibility for such waivers. In this regard, they asserted that increasing the threshold in the appraisal regulations would provide burden relief. One of these commenters asserted that as the GSEs expand their appraisal waiver programs, regulated institutions that hold residential mortgage loans in portfolio will be at a competitive disadvantage if the current threshold in the appraisal regulations is not increased. Another commenter asserted that, even if inconsistent GSE requirements would negate some of the burden reduction, the agencies should raise the residential threshold now if, by doing so, safety and soundness would not be jeopardized. A separate commenter suggested that the agencies should provide a *de minimis* exemption from appraisal requirements for residential mortgage loans that are retained in portfolio by regulated institutions. This same commenter urged the agencies to consider more regional data in deciding whether to make future changes to the threshold for residential transactions.

Many commenters, particularly appraisers and appraiser trade associations, supported with the agencies' decision not to propose an increase in the threshold for residential transactions. Several commenters pointed to the safety and soundness and consumer protection benefits of obtaining appraisals in connection with residential transactions. Several commenters also asserted that the appraisal regulations already exempt a significant percentage of residential mortgage loans. One commenter suggested that the agencies should not rely on policies of other federal entities, such as the GSEs, in making decisions about the appraisal regulations. Another commenter expressed concern that the potential negative consequences of raising the threshold could be exacerbated by the loosening of appraisal standards by the GSEs for some transactions. Another commenter asserted that increasing the threshold for residential transactions could discourage entrance into the appraisal profession and cause further appraiser shortages.

Regarding an increase to the appraisal threshold for QBLs, the majority of comments received opposed an increase. These commenters, who were appraisers or their trade associations, cautioned against a loosening of standards that could raise safety and soundness concerns. Commenters supporting an increase in the QBL threshold asserted that the value of real estate offered as collateral on a QBL is a secondary consideration, because the primary source of repayment is not the income from or sale of that collateral. Some commenters also supported an increase in the threshold due to limited availability of appraisers in their states. Commenters advocated a range of increases from $1.5 million to $3 million.

Few commenters specifically addressed the agencies' questions regarding unique risks that may be posed by QBLs, data regarding QBLs, and regulated institutions' experiences in applying the current QBL threshold. Regarding risks posed by QBLs, one financial institutions trade association commented that its members consider QBLs to be higher-risk loans. An appraiser trade association that was opposed to an increase asserted that small business loans are riskier than others and that lenders with concentrations in such loans are at greater risk. The commenter also noted that such loans are usually held in portfolio, thus increasing risk. Regarding the agencies' requests for data on QBLs, a commenter expressed surprise that the agencies lack data on QBL concentrations, and asserted this lack of data further supports not increasing the threshold. In response to the agencies' question regarding regulated institutions' experiences in applying the QBL threshold, a commenter asserted that many loan officers are poorly trained in classifying loans as either real estate or business. The commenter recommended that the agencies provide examples of these types of loans. In addition, two commenters asked the agencies to clarify the QBL threshold relative to transactions secured by farmland.

The agencies appreciate the issues raised by the commenters relating to the thresholds for residential transactions and QBLs. As discussed in the proposal, the agencies decided not to propose any change to these thresholds in connection with this rulemaking. Nevertheless, the comments reflect a variety of issues that the agencies would consider if they decide to propose changes to the residential or QBL thresholds in the future.

Regarding the requests for clarification of the QBL threshold, the Title XI appraisal regulations have established a $1 million threshold that is applicable to any business loans that are not dependent on the sale of, or rental income derived from, real estate as the primary source of repayment.[60] For example, a loan secured by a farm, which could include a situation where one or more affiliated limited liability companies own the farmland securing the loan, could be treated as a QBL subject to the $1 million threshold, if repayment is primarily from the proceeds from the farm business (*e.g.,* sale of crops and related payments). However, a real estate-related financial transaction secured by farmland whose repayment is primarily from rental income from renting or leasing the farmland to a non-affiliated entity would be subject to the final rule's $500,000 threshold.

Other Proposals and Clarifications

The agencies received several comments suggesting additional ways the agencies could reduce burden under the Title XI appraisal regulations. One commenter urged the agencies to review the appraisal requirements of other federal agencies and pursue ways to make appraisal requirements across agencies more consistent. The agencies have publically articulated their interest in seeking ways to coordinate appraisal standards across various government agencies that are involved in residential mortgage lending.[61] The agencies have begun conducting outreach to government agencies to implement this goal and will continue to consider opportunities to do so.

Another commenter asserted that the agencies should focus on allowing the use by appraisers of products that streamline the valuation process, instead of exempting additional transactions from the appraisal requirements. Several commenters, including a financial institution and a financial institutions trade association, suggested that certain transactions could be added to the list of exemptions from the appraisal requirements to further reduce regulatory burden without sacrificing safety and soundness. These suggestions included exemptions for transactions secured by real estate outside the United States; loans below a threshold that a bank originates and

[60] *See* OCC: 12 CFR 34.43(a)(5); Board: 12 CFR 225.63(a)(5); and FDIC: 12 CFR 323.3(a)(5).

[61] *See EGRPRA Report* at 36; 82 FR at 35482.

retains ''in-house;'' transactions involving mortgage-backed securities and pools of mortgages; and loans made to certain community development organizations. An association of state bank supervisors requested that the agencies release further guidance on the Title XI process for temporary waivers of appraiser certification and licensing requirements and also requested that the education requirements for appraiser qualifications be relaxed. A financial institution suggested establishing an additional threshold of $50,000, below which certain transactions would not require appraisals or evaluations.

These comments concerning additional potential exemptions from the appraisal regulations and additional burden relieving measures are outside the scope of this rulemaking. However, the agencies appreciate the suggestions for ways to expand burden relief beyond what was proposed.

V. Regulatory Analysis

A. Waiver of Delayed Effective Date

This final rule is effective on April 9, 2018. The 30-day delayed effective date required under the APA is waived pursuant to 5 U.S.C. 553(d)(1), which provides for waiver when a substantive rule grants or recognizes an exemption or relieves a restriction. The amendment adopted in this final rule exempts additional transactions from the Title XI appraisal requirements, which has the effect of relieving restrictions. Consequently, the amendment in this final rule meets the requirements for waiver set forth in the APA.

B. Regulatory Flexibility Act

OCC: The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* generally requires that, in connection with a rulemaking, an agency prepare and make available for public comment a regulatory flexibility analysis that describes the impact of the rule on small entities. However, the regulatory flexibility analysis otherwise required under the RFA is not required if an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities (defined in regulations promulgated by the Small Business Administration (SBA) to include commercial banks and savings institutions, and trust companies, with assets of $550 million or less and $38.5 million or less, respectively) and publishes its certification and a brief explanatory statement in the **Federal Register** together with the rule.

The OCC currently supervises approximately 956 small entities. Data currently available to the OCC are not sufficient to estimate how many OCC-supervised small entities make commercial real estate loans in amounts that fall between the current and final thresholds. Therefore, we cannot estimate how many small entities may be affected by the increase threshold. However, because the final rule does not contain any new recordkeeping, reporting, or compliance requirements, the final rule will not impose costs on any OCC-supervised institution. Accordingly, the OCC certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

Board: The Board is providing a regulatory flexibility analysis with respect to this final rule. The RFA requires that an agency prepare and make available a final regulatory flexibility analysis in connection with a final rulemaking that the agency expects will have a significant economic impact on a substantial number of small entities. The commercial real estate appraisal threshold increase applies to certain IDIs and nonbank entities that make loans secured by commercial real estate.[62] The SBA establishes size standards that define which entities are small businesses for purposes of the RFA.[63] The size standard to be considered a small business is: $550 million or less in assets for banks and other depository institutions; and $38.5 million or less in annual revenues for the majority of non-bank entities that are likely to be subject to the final rule.[64] Based on the Board's analysis, and for the reasons discussed below, the final rule may have a significant positive economic impact on a substantial number of small entities.

The Board requested comment on all aspects of the initial regulatory flexibility analysis it provided in connection with the proposal. The comments received are addressed below.

A. Reasons for the Threshold Increase

In response to comments received in the EGRPRA process and in connection with the proposal, the agencies are increasing the commercial real estate appraisal threshold from $250,000 to $500,000. Because commercial real estate prices have increased since 1994, when the current $250,000 threshold was established, a smaller percentage of commercial real estate transactions are currently exempted from the Title XI appraisal requirements than when the threshold was established. This threshold adjustment is intended to reduce the regulatory burden associated with extending credit secured by commercial real estate in a manner that is consistent with the safety and soundness of financial institutions.

B. Statement of Objectives and Legal Basis

As discussed above, the agencies' objective in finalizing this threshold increase is to reduce the regulatory burden associated with extending credit in a safe and sound manner by reducing the number of commercial real estate transactions that are subject to the Title XI appraisal requirements.

Title XI explicitly authorizes the agencies to establish a threshold level at or below which a Title XI appraisal is not required if the agencies determine in writing that the threshold does not represent a threat to the safety and soundness of financial institutions and receive concurrence from the CFPB that such threshold level provides reasonable protection for consumers who purchase 1-to-4 unit single-family homes.[65] Based on available data and supervisory experience, the agencies tailored the size and scope of the threshold increase to ensure that it would not pose a threat to the safety and soundness of financial institutions or erode protections for consumers who purchase 1-to-4 unit single-family homes.

The Board's final rule applies to state chartered banks that are members of the Federal Reserve System (state member banks), as well as bank holding companies and nonbank subsidiaries of bank holding companies that engage in lending. There are approximately 601 state member banks and 35 nonbank lenders regulated by the Board that meet the SBA definition of small entities and would be subject to the proposed rule. Data currently available to the Board do not allow for a precise estimate of the number of small entities that will be affected by the final rule because the number of small entities that will engage in commercial real estate transactions at or below the commercial real estate appraisal threshold is unknown.

[62] For its RFA analysis, the Board considered all Board-regulated creditors to which the proposed rule would apply.

[63] U.S. SBA, Table of Small Business Size Standards Matched to North American Industry Classification System Codes, available at *https://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf.*

[64] Asset size and annual revenues are calculated according to SBA regulations. *See* 13 CFR 121 *et seq.*

[65] 12 U.S.C. 3341(b).

C. Projected Reporting, Recordkeeping and Other Compliance Requirements

The final rule would reduce reporting, recordkeeping, and other compliance requirements for small entities. For transactions at or below the threshold, regulated institutions will be given the option to obtain an evaluation of the property instead of an appraisal. Evaluations may be performed by a lender's own employees and are not required to comply with USPAP. As discussed in detail in Section II.B of the **SUPPLEMENTARY INFORMATION**, the cost of obtaining appraisals and evaluations can vary widely depending on the size and complexity of the property, the party performing the valuation, and market conditions where the property is located. Additionally, the costs of obtaining appraisals and evaluations may be passed on to borrowers. Because of this variation in cost and practice, it is not possible to precisely determine the cost savings that regulated institutions will experience due to the decreased cost of obtaining an evaluation rather than an appraisal. However, based on information available to the Board, it is likely that small entities and borrowers engaging in commercial real estate transactions could experience significant cost reductions.

In addition to costing less to obtain than appraisals, evaluations also require less time to review than appraisals because they contain less detailed information. As discussed further in Section II.B of the **SUPPLEMENTARY INFORMATION**, an evaluation takes approximately 30 minutes less to review than an appraisal. Thus, the agencies believe that the final rule will alleviate approximately 30 minutes of employee time per affected transaction for which the lender obtains an evaluation instead of an appraisal. As discussed above, some commenters provided anecdotal evidence to show that the agencies' estimate of time savings was incorrect. The agencies recognize that certain evaluations may take longer to review than others; however, this variation was taken into account in the agencies' estimate of the average time savings that are expected to occur.

As previously discussed, the Board estimates that the percentage of commercial real estate transactions that would be exempted by the threshold is expected to increase by approximately 16 percent under the final rule. The Board expects this percentage to be higher for small entities, because a higher percentage of their loan portfolios are likely to be made up of small, below-threshold loans than those of larger entities. Thus, while the precise number of transactions that will be affected and the precise cost reduction per transaction cannot be determined, the final rule is expected to have a significant positive economic impact on small entities that engage in commercial real estate lending.

D. Identification of Duplicative, Overlapping, or Conflicting Federal Regulations

The Board has not identified any federal statutes or regulations that would duplicate, overlap, or conflict with the final rule.

E. Discussion of Significant Alternatives

The agencies considered additional burden-reducing measures, such as increasing the commercial threshold to an amount higher than $500,000 and increasing the residential and business loan thresholds, but did not implement such measures for the safety and soundness and consumer protection reasons discussed in the proposal. For transactions exempted from the Title XI appraisal requirements under the commercial real estate appraisal threshold, the final rule requires regulated institutions to get an evaluation if they do not choose to obtain a Title XI appraisal. The agencies believe this requirement is necessary to protect the safety and soundness of financial institutions, which is a legal prerequisite to the establishment of any appraisal threshold. The Board is not aware of any other significant alternatives that would reduce burden on small entities without sacrificing the safety and soundness of financial institutions or consumer protections.

FDIC: The RFA generally requires that, in connection with a rulemaking, an agency prepare and make available for public comment an initial regulatory flexibility analysis describing the impact of the proposed rule on small entities.[66] A regulatory flexibility analysis is not required, however, if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The SBA has defined ''small entities'' to include banking organizations with total assets less than or equal to $550 million.[67] For the reasons described below and pursuant to section 605(b) of the RFA, the FDIC certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

The FDIC supervises 3,675 depository institutions,[68] of which 2,950 are defined as small banking entities by the terms of the RFA.[69] According to the Call Report 2,950 small entities reported holding some volume of real estate-related financial transactions that meet the final rule's definition of a commercial real estate transaction.[70] Therefore, 2,950 small entities could be affected by the final rule.

The final rule will raise the appraisal threshold for commercial real estate transactions from $250,000 to $500,000. Any commercial real estate transaction with a value in excess of the $500,000 threshold is required to have an appraisal by a state licensed or state certified appraiser. Any commercial real estate transaction at or below the $500,000 threshold requires an evaluation.

To estimate the dollar volume of commercial real estate transactions the change could potentially affect, the FDIC used information on the dollar volume and number of loans in the Call Report for small institutions from two categories of loans included in the definition of a commercial real estate transaction. The Call Report data reflect that 3.92 percent of the dollar volume of NFNR loans secured by real estate has an original amount between $1 and $250,000, while 10.19 percent have an original amount between $250,000 and $1 million. The Call Report data also reflect that 7.30 percent of the dollar volume of agricultural loans secured by farmland has an original amount between $1 and $250,000, while 6.05 percent have an original amount between $250,000 and $500,000.[71] Assuming that the original amount of NFNR loans secured by real estate and the original amount of agricultural loans secured by farmland are normally distributed, the FDIC estimates that 6.28 and 13.35 percent of loan volume is at or below the $500,000 threshold for these categories, respectively.

Therefore, raising the appraisal threshold from $250,000 to $500,000 for commercial real estate transactions

[66] 5 U.S.C. 601 *et seq.*

[67] 13 CFR 121.201 (as amended, effective December 2, 2014).

[68] FDIC-supervised institutions are set forth in 12 U.S.C. 1813(q)(2).

[69] FDIC Call Report, September 30, 2017.

[70] The definition of ''commercial real estate transaction'' would largely capture the following four categories of loans secured by real estate in the Call Report (FFIEC 031; RCFD 1410), namely loans that are: (1) For construction, land development, and other land loans; (2) secured by farmland; (3) secured by residential properties with five or more units; or (4) secured by NFNR properties. However, loans secured by a single 1-to-4 family residential property would be excluded from the definition. The definition applies to corresponding categories of real estate-secured loans in the FFIEC 041 and FFIEC 051 forms of the Call Report.

[71] FDIC Call Report, September 30, 2017.

could affect an estimated 2.36 to 6.05 percent of the dollar volume of all commercial real estate transactions originated each year for small FDIC-supervised institutions. This estimate assumes that the distribution of loans for the other loan categories within the definition of commercial real estate transactions is similar to those loans secured by NFNR properties or farmland.

The final rule is likely to reduce valuation review costs for covered institutions. The FDIC estimates that it takes a loan officer an average of 40 minutes to review an appraisal to ensure that it meets that standards set forth in Title XI, but 10 minutes to perform a similar review of an evaluation, which does not need to meet the Title XI standards for appraisals. The final rule increases the number of commercial real estate transactions that would require an evaluation by raising the appraisal threshold from $250,000 to $500,000. Assuming that 15 percent of the outstanding balance of commercial real estate transactions for small entities gets renewed or replaced by new originations each year, the FDIC estimates that small entities originate $31.8 billion in new commercial real estate transactions each year. Assuming that 2.36 to 6.05 percent of annual originations represent loans with an origination amount greater than $250,000 but not more than $500,000, the FDIC estimates that the proposed rule will affect approximately 2,003 to 5,138 loans per year,[72] or 0.68 to 1.74 loans on average for small FDIC-supervised institutions. Therefore, based on an estimated hourly rate, the final rule would reduce loan review costs for small entities by $67,391 to $172,868, on average, each year.[73] If lenders opt to not utilize an evaluation and require an appraisal on commercial real estate transaction greater than $250,000 but not more than $500,000 any reduction in costs would be smaller.

Any associated recordkeeping costs are unlikely to change for small FDIC-supervised entities as the amount of labor required to satisfy documentation requirements for an evaluation or an appraisal is estimated to be the same at about five minutes for either an appraisal or evaluation.

The final rule also is likely to reduce the loan origination costs associated with real estate appraisals for commercial real estate borrowers. The FDIC assumes that these costs are always paid by the borrower for this analysis. Anecdotal information from industry participants indicates that a commercial real estate appraisal costs between $1,000 to over $3,000, or about $2,000 on average, and a commercial real estate evaluation costs between $500 to over $1,500, or about $1,000 on average. Based on the prior assumptions, the FDIC estimates that the final rule will affect approximately 2,003 to 5,138 transactions per year,[74] or 0.68 to 1.74 loans on average for small FDIC-supervised institutions. Therefore, the final rule could reduce loan origination costs for borrowers doing business with small entities by $2.0 to $5.1 million on average per year.[75]

By lowering valuation costs on commercial real estate transactions greater than $250,000 but less than or equal to $500,000 for small FDIC-supervised institutions, the final rule could marginally increase lending activity. As discussed previously, commenters in the EGRPRA review noted that appraisals can be costly and time consuming. By enabling small FDIC-supervised institutions to utilize evaluations for more commercial real estate transactions, the final rule will reduce transaction costs. The reduction in loan origination fees could marginally increase commercial real estate lending activity for loans with an origination value greater than $250,000 and not more than $500,000.

C. Paperwork Reduction Act

Certain provisions of the final rule contain ''collection of information'' requirements within the meaning of the Paperwork Reduction Act (PRA) of 1995.[76] In accordance with the requirements of the PRA, the agencies may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently-valid Office of Management and Budget (OMB) control number. The OMB control number for the OCC is 1557–0190, the Board is 7100–0250, and the FDIC is 3064–0103, which will be extended, without revision. The agencies have concluded that the final rule does not contain any changes to the current information collections; however, the agencies are revising the methodology for calculating the burden estimates. There were no comments received regarding the PRA.

The OCC and the FDIC submitted the information collection requirements to OMB in connection with the proposal under section 3507(d) of the PRA[77] and section 1320.11 of the OMB's implementing regulations.[78] OMB filed a comment pursuant to 5 CFR 1320.11(c) instructing the agencies to examine public comment in response to the proposal and describe in the supporting statement of its next collection (the final rule) any public comments received regarding the collection as well as why (or why it did not) incorporate the commenter's recommendation and include the draft final rule in its next submission. The OCC and the FDIC have resubmitted the collection to OMB in connection with the final rule. The Board reviewed the final rule under the authority delegated to the Board by OMB.

Information Collection

Title of Information Collection: Recordkeeping Requirements Associated with Real Estate Appraisals and Evaluations.

Frequency of Response: Event generated.

Affected Public: Businesses or other for-profit.

Respondents:

OCC: National banks, federal savings associations.

Board: State member banks (SMBs) and nonbank subsidiaries of bank holding companies (BHCs).

FDIC: Insured state nonmember banks and state savings associations, insured state branches of foreign banks.

General Description of Report: For federally related transactions, Title XI requires regulated institutions[79] to

[72] Multiplying $31.8 billion by 2.36 percent then dividing the product by an average loan amount of $375,000 equals 2,003 loans and multiplying $31.8 billion by 6.05 percent then dividing the product by an average loan amount of $375,000 equals 5,138 loans.

[73] The FDIC estimates that the average hourly compensation for a loan officer is $67.29 an hour. The hourly compensation estimate is based on published compensation rates for Credit Counselors and Loan Officers ($43.40). The estimate includes the September 2017 75th percentile hourly wage rate reported by the Bureau of Labor Statistics, National Industry-Specific Occupational Employment and Wage Estimates for the Depository Credit Intermediation sector. The reported hourly wage rate is grossed up by 155.0 percent to account for non-monetary compensation as reported by the 3rd Quarter 2017 Employer Costs for Employee Compensation Data. Based on this estimate, loan review costs would decline between $67,391 (2,003 loans multiplied by 30 minutes and multiplied by $67.29 per hour) and $172,868 (5,138 loans multiplied by 30 minutes and multiplied by $67.29 per hour).

[74] Multiplying $31.8 billion by 2.36 percent then dividing the product by an average loan amount of $375,000 equals 2,003 loans and multiplying $31.8 billion by 6.05 percent then dividing the product by an average loan amount of $375,000 equals 5,138 loans.

[75] Multiplying 2,003 loans by $1,000 savings equals $2.0 million and multiplying 5,138 loans by $1,000 savings equals $5.1 million.

[76] 44 U.S.C. 3501–3521.

[77] 44 U.S.C. 3507(d).

[78] 5 CFR 1320.

[79] National banks, federal savings associations, SMBs and nonbank subsidiaries of BHCs, insured state nonmember banks and state savings

Continued

obtain appraisals prepared in accordance with USPAP promulgated by the Appraisal Standards Board of the Appraisal Foundation. Generally, these standards include the methods and techniques used to estimate the market value of a property as well as the requirements for reporting such analysis and a market value conclusion in the appraisal. Regulated institutions are expected to maintain records that demonstrate that appraisals used in their real estate-related lending activities comply with these regulatory requirements. For commercial real estate transactions exempted from the Title XI appraisal requirements by the final rule, regulated institutions will still be required to obtain an evaluation to justify the transaction amount. The agencies estimate that the recordkeeping burden associated with evaluations is the same as the recordkeeping burden associated with appraisals for such transactions.

Current Action: The threshold change in the final rule will result in lenders being able to use evaluations instead of appraisals for certain transactions. It is estimated that the time required to document the review of an appraisal or an evaluation is the same. While the rulemaking described in this final rule will not change the amount of time that institutions spend complying with the Title XI appraisal regulation, the agencies are using a more accurate methodology for calculating the burden of the information collections based on the experience of the agencies. Thus, the PRA burden estimates shown here are different from those previously reported. The agencies are (1) using the average number of loans per institution as the frequency and (2) using 5 minutes as the estimated time per response for the appraisals or evaluations.

PRA Burden Estimates

Estimated average time per response: 5 minutes.

OCC

Number of Respondents: 1,200.
Annual Frequency: 1,488.
Total Estimated Annual Burden: 148,800 hours.

Board

Number of Respondents: 828 SMBs; 1,215 nonbank subsidiaries of BHCs.
Annual Frequency: 419; 25.
Total Estimated Annual Burden: 28,911 hours; 2,531 hours.

FDIC

Number of Respondents: 3,675.
Annual Frequency: 143.
Total Estimated Annual Burden: 43,794 hours.

These collections are available to the public at *www.reginfo.gov.*

The agencies have an ongoing interest in public comments on its burden estimates. Comments on the collection of information should be sent to:

OCC: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0190, 400 7th Street SW, Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW, Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Board: Nuha Elmaghrabi, Federal Reserve Clearance Officer, Office of the Chief Data Officer, Mail Stop K1–148, Board of Governors of the Federal Reserve System, Washington, DC 20551, with copies of such comments sent to the Office of Management and Budget, Paperwork Reduction Project (7100–0250), Washington, DC 20503.

FDIC: You may submit comments, which should refer to ''Real Estate Appraisals, 3064–0103'' by any of the following methods:

- *Agency website: http://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the FDIC website.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: comments@FDIC.gov.* Include ''Real Estate Appraisals, 3064–0103'' in the subject line of the message.
- *Mail:* Jennifer Jones, Attn: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW, MB–3105, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m.

Public Inspection: All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal/* including any personal information provided.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the PRA Agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503; by fax to (202) 395–6974; or by email to *oira_submission@omb.eop.gov.*

D. Riegle Act

The Riegle Act requires that each of the agencies, in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on IDIs, consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations.[80] In addition, in order to provide an adequate transition period, new regulations that impose additional reporting, disclosures, or other new requirements on IDIs generally must take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form.[81]

The final rule reduces burden and does not impose any reporting, disclosure, or other new requirements on IDIs. For transactions exempted from the Title XI appraisal requirements by the proposed rule (*i.e.,* commercial real estate transactions between $250,000 and $500,000), lenders are required to get an evaluation if they chose not to get an appraisal. However, the agencies do not view the option to obtain an evaluation instead of an appraisal as a new or additional requirement for purposes of the Riegle Act. First, the process of obtaining an evaluation is not new since IDIs already get evaluations for transactions at or below the current $250,000 threshold. Second, for commercial real estate transactions between $250,000 and $500,000, IDIs

associations, and insured state branches of foreign banks.

[80] 12 U.S.C. 4802(a).

[81] 12 U.S.C. 4802(b).

can continue to get appraisals instead of evaluations. Because the final rule imposes no new requirements on IDIs, the agencies are not required by the Riegle Act to consider the administrative burdens and benefits of the rule or delay its effective date.

Because delaying the effective date of the rule is not required, the agencies are making the threshold increase effective on the first day after publication of the final rule in the **Federal Register**. Additionally, although not required by the Riegle Act, the agencies did consider the administrative costs and benefits of the rule while developing the proposal and finalizing the rule. In designing the scope of the threshold increase, the agencies chose to largely align the definition of commercial real estate transaction with industry practice, regulatory guidance, and the categories used in the Call Report in order to reduce the administrative burden of determining which transactions were exempted by the rule. The agencies also considered the cost savings that IDIs would experience by obtaining evaluations instead of appraisals and set the threshold at a level designed to provide significant burden relief without sacrificing safety and soundness. In the proposal, the agencies invited comments on compliance with the Riegle Act, but no such comments were received.

E. Solicitation of Comments on Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act [82] requires the agencies to use plain language in all proposed and final rules published after January 1, 2000. The agencies invited comment on how to make the rule easier to understand, but no such comments were received.

F. OCC Unfunded Mandates Reform Act of 1995 Determination

The OCC has analyzed the final rule under the factors in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532). Under this analysis, the OCC considered whether the final rule includes a federal mandate 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 in any one year (adjusted annually for inflation).

The final rule does not impose new requirements or include new mandates. Therefore, we conclude that the final rule will not result in an expenditure of $100 million or more by state, local, and tribal governments, or by the private sector, in any one year.

[82] Public Law 106–102, section 722, 113 Stat. 1338 1471 (1999).

List of Subjects

12 CFR Part 34

Appraisal, Appraiser, Banks, Banking, Consumer protection, Credit, Mortgages, National banks, Reporting and recordkeeping requirements, Savings associations, Truth in lending.

12 CFR Part 225

Administrative practice and procedure, Banks, banking, Federal Reserve System, Capital planning, Holding companies, Reporting and recordkeeping requirements, Securities, Stress testing.

12 CFR Part 323

Banks, banking, Mortgages, Reporting and recordkeeping requirements, Savings associations.

Office of the Comptroller of the Currency 12 CFR Part 34

For the reasons set forth in the joint preamble, the OCC amends part 34 of chapter I of title 12 of the Code of Federal Regulations as follows:

PART 34—REAL ESTATE LENDING AND APPRAISALS

■ 1. The authority citation for part 34 continues to read as follows:

Authority: 12 U.S.C. 1, 25b, 29, 93a, 371, 1462a, 1463, 1464, 1465, 1701j-3, 1828(o), 3331 *et seq.,* 5101 *et seq.,* and 5412(b)(2)(B), and 15 U.S.C. 1639h.

■ 2. Section 34.42 is amended by redesignating paragraphs (e) through (m) as paragraphs (f) through (n), respectively, and by adding a new paragraph (e) to read as follows:

§ 34.42 Definitions.

* * * * *

(e) *Commercial real estate transaction* means a real estate-related financial transaction that is not secured by a single 1-to-4 family residential property.

* * * * *

■ 3. Section 34.43 is amended by:
■ a. Removing the word ''or'' at the end of paragraph (a)(11);
■ b. Revising paragraph (a)(12);
■ c. Adding paragraph (a)(13); and
■ d. Revising paragraphs (b) and (d)(2).

The revisions and addition read as follows:

§ 34.43 Appraisals required; transactions requiring a State certified or licensed appraiser.

(a) * * *

(12) The OCC determines that the services of an appraiser are not necessary in order to protect Federal financial and public policy interests in real estate-related financial transactions or to protect the safety and soundness of the institution; or

(13) The transaction is a commercial real estate transaction that has a transaction value of $500,000 or less.

(b) *Evaluations required.* For a transaction that does not require the services of a State certified or licensed appraiser under paragraph (a)(1), (a)(5), (a)(7), or (a)(13) of this section, the institution shall obtain an appropriate evaluation of real property collateral that is consistent with safe and sound banking practices.

* * * * *

(d) * * *

(2) *Commercial real estate transactions of more than $500,000.* All federally related transactions that are commercial real estate transactions having a transaction value of more than $500,000 shall require an appraisal prepared by a State certified appraiser.

* * * * *

Federal Reserve Board

12 CFR Part 225

For the reasons set forth in the joint preamble, the Board amends part 225 of chapter II of title 12 of the Code of Federal Regulations as follows:

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)

■ 4. The authority citation for part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1828(o), 1831i, 1831p–1, 1843(c)(8), 1844(b), 1972(l), 3106, 3108, 3310, 3331–3351, 3906, 3907, and 3909; 15 U.S.C. 1681s, 1681w, 6801 and 6805.

■ 5. Section 225.62 is amended by redesignating paragraphs (e) through (m) as paragraphs (f) through (n), respectively, and by adding a new paragraph (e) to read as follows:

§ 225.62 Definitions.

* * * * *

(e) *Commercial real estate transaction* means a real estate-related financial transaction that is not secured by a single 1-to-4 family residential property.

* * * * *

■ 6. Section 225.63 is amended by:
■ a. Removing the word ''or'' at the end of paragraph (a)(12);
■ b. Revising paragraph (a)(13);
■ c. Adding paragraph (a)(14);
■ d. Revising paragraph (b); and
■ e. Revising paragraph (d)(2).

The revisions and addition read as follows:

§ 225.63 Appraisals required; transactions requiring a State certified or licensed appraiser.

(a) * * *

(13) The Board determines that the services of an appraiser are not necessary in order to protect Federal financial and public policy interests in real estate-related financial transactions or to protect the safety and soundness of the institution; or

(14) The transaction is a commercial real estate transaction that has a transaction value of $500,000 or less.

(b) *Evaluations required.* For a transaction that does not require the services of a State certified or licensed appraiser under paragraph (a)(1), (a)(5), (a)(7), or (a)(14) of this section, the institution shall obtain an appropriate evaluation of real property collateral that is consistent with safe and sound banking practices.

* * * * *

(d) * * *

(2) *Commercial real estate transactions of more than $500,000.* All federally related transactions that are commercial real estate transactions having a transaction value of more than $500,000 shall require an appraisal prepared by a State certified appraiser.

* * * * *

Federal Deposit Insurance Corporation

12 CFR Part 323

For the reasons set forth in the joint preamble, the FDIC amends part 323 of chapter III of title 12 of the Code of Federal Regulations as follows:

PART 323—APPRAISALS

■ 7. Revise the authority citation for part 323 to read as follows:

Authority: 12 U.S.C. 1818, 1819(a)(Seventh'' and ''Tenth), 1831p–1 and 3331 *et seq.*

■ 8. Section 323.1 is amended by revising paragraph (a) to read as follows:

§ 323.1 Authority, purpose, and scope.

(a) *Authority.* This subpart is issued under 12 U.S.C. 1818, 1819(a)(Seventh and Tenth), 1831p–1 and title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) (Pub. L. 101–73, 103 Stat. 183, 12 U.S.C. 3331 *et seq.* (1989)).

■ 9. Section 323.2 is amended by redesignating paragraphs (e) through (m) as paragraphs (f) through (n), respectively, and by adding a new paragraph (e) to read as follows:

§ 323.2 Definitions.

* * * * *

(e) *Commercial real estate transaction* means a real estate-related financial transaction that is not secured by a single 1-to-4 family residential property.

■ 10. Section 323.3 is amended by:

■ a. Removing the word ''or'' at the end of paragraph (a)(11);

■ b. Revising paragraph (a)(12);

■ c. Adding paragraph (a)(13);

■ d. Revising paragraph (b); and

■ e. Revising paragraph (d)(2).

The revisions and addition read as follows:

§ 323.3 Appraisals required; transactions requiring a State certified or licensed appraiser.

(a) * * *

(12) The FDIC determines that the services of an appraiser are not necessary in order to protect Federal financial and public policy interests in real estate-related financial transactions or to protect the safety and soundness of the institution; or

(13) The transaction is a commercial real estate transaction that has a transaction value of $500,000 or less.

(b) *Evaluations required.* For a transaction that does not require the services of a State certified or licensed appraiser under paragraph (a)(1), (a)(5), (a)(7), or (a)(13) of this section, the institution shall obtain an appropriate evaluation of real property collateral that is consistent with safe and sound banking practices.

* * * * *

(d) * * *

(2) *Commercial real estate transactions of more than $500,000.* All federally related transactions that are commercial real estate transactions having a transaction value of more than $500,000 shall require an appraisal prepared by a State certified appraiser.

* * * * *

Dated: March 16, 2018.

Joseph M. Otting,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, March 23, 2018.

Ann E. Misback,

Secretary of the Board.

Dated at Washington, DC on March 20, 2018.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2018–06960 Filed 4–6–18; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0284; Product Identifier 2018–CE–014–AD; Amendment 39–19246; AD 2018–07–15]

RIN 2120–AA64

Airworthiness Directives; XtremeAir GmbH Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for XtremeAir GmbH Model XA42 airplanes equipped with an engine mount part number XA42–7120–151. This AD results from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and address an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracking of the diagonal strut of the engine mount frame. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective April 30, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of April 30, 2018.

We must receive comments on this AD by May 24, 2018.

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

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

For service information identified in this AD, contact XtremeAir GmbH, Harzstrasse 2, Am Flughafen Cochstedt, D–39444 Hecklingen, Germany; phone: +49 39267 60999 0; fax: +49 39267 60999 20; email: *info@xtremeair.de;* internet: *https://www.xtremeair.com.* You may view this referenced service

information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for locating Docket No. FAA–2018–0284.

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–2018–0284; 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 AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket 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: Jim Rutherford, Aerospace Engineer, FAA, Policy and Innovation Divsion, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No. 2018–0050–E, dated March 2, 2018 (referred to after this as ''the MCAI''), to correct an unsafe condition for XtremeAir GmbH Model XA42 airplanes. The MCAI states:

> During a scheduled maintenance inspection of an XA42 aeroplane, a crack was detected on a diagonal strut of engine mount frame P/N XA42–7120–151.
>
> This condition, if not detected and corrected, could lead to crack growth and subsequently partial or complete failure of the structural joint, possibly resulting in in-flight detachment of the engine and consequent loss of control of the aeroplane, and/or injury to persons on the ground.
>
> Prompted by this finding, XtremeAir issued the SB to provide inspection instructions.
>
> For the reason described above, this [EASA] AD requires repetitive inspections of the affected part and, depending on findings, replacement.
>
> This [EASA] AD is considered interim action and further AD action may follow.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0284.

Related Service Information Under 1 CFR Part 51

XtremeAir GmbH has issued XtremeAir Mandatory Service Bulletin SB–XA42–2018–006, Issue A.00, dated March 2, 2018. The service information describes procedures for inspection of the engine mount for cracks and replacement of the engine mount if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of the AD.

FAA's Determination and Requirements of the 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 this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all information provided by the State of Design Authority and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because cracking of the engine mount frame could lead to in-flight detachment of the engine and result in loss of control. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer 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–2018–0284; Directorate Identifier 2018–CE–014–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 because of those comments.

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

Costs of Compliance

We estimate that this AD will affect 13 products of U.S. registry. We also estimate that it would take about .5 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the AD on U.S. operators to be $552.50, or $42.50 per product.

In addition, we estimate that any necessary follow-on actions would take about 24 work-hours and require parts costing $5,000, for a cost of $7,040.00 per product. We have no way of determining the number of products that may need these actions.

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 small airplanes, gliders, balloons, airships, domestic business jet transport airplanes, and associated appliances to the Director of the Policy and Innovation 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 AD:

2018–07–15 XtremeAir GmbH: Amendment 39–19246; Docket No. FAA–2018–0284; Directorate Identifier 2018–CE–014–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective April 30, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to XtremeAir GmbH Model XA42 airplanes, all serial numbers, that are:

(1) Equipped with an engine mount part number (P/N) XA42–7120–151; and

(2) certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 71: Power Plant.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and address an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracking of the diagonal strut of the engine mount frame. We are issuing this AD to detect and address cracking of the engine mount frame, which could lead to detachment of the engine in-flight and result in loss of control.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) through (4) of this AD.

(1) Before the next acrobatic flight after April 30, 2018 (the effective date of this AD) or within 50 hours time-in-service after the installation of P/N XA42–7120–151 engine mount on the airplane, whichever occurs later, and repetitively thereafter at intervals not to exceed 10 acrobatic flight hours, inspect the engine mount following the Accomplishment Instructions in XtremeAir Mandatory Service Bulletin SB–XA42–2018–006, Issue A.00, dated March 2, 2018.

(2) After the initial inspection required in paragraph (f)(1) of this AD, acrobatic flight hours must be recorded in the maintenance records. For the purpose of this AD, we define acrobatic flight as ''flight during which a load factor of 6g is exceeded.''

(3) If a crack is found during any inspection required in paragraph (f)(1) of this AD, before further flight, replace the engine mount with a serviceable part following the Accomplishment Instructions in XtremeAir Mandatory Service Bulletin SB–XA42–2018–006, Issue A.00, dated March 2, 2018. Replacement of the engine mount does not eliminate the repetitive inspection requirement in paragraph (f)(1) of this AD.

(4) After the effective date of this AD, you may install a new or used P/N XA42–7120–151 engine mount on the airplane. The used P/N XA42–7120–151 engine mount must be inspected as specified in paragraph (f)(1) of this AD and found free of cracks before installation on the airplane. The repetitive inspection requirement in paragraph (f)(1) of this AD still applies.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Small Airplane Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Policy and Innovation Division, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, Small Airplane Standards Branch, FAA; or the European Aviation Safety Agency (EASA).

(h) Special Flight Permit

A special flight permit is allowed for this AD per 14 CFR 39.23 with the following limitations: Acrobatic flights are prohibited.

(i) Related Information

Refer to MCAI, EASA AD No. 2018–0050–E, dated March 2, 2018, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0284.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) XtremeAir Mandatory Service Bulletin SB–XA42–2018–006, Issue A.00, dated March 2, 2018.

(ii) Reserved.

(3) For XtremeAir service information identified in this AD, contact XtremeAir GmbH, Harzstrasse 2, Am Flughafen Cochstedt, D–39444 Hecklingen, Germany; phone: +49 39267 60999 0; fax: +49 39267 60999 20; email: *info@xtremeair.de;* internet: *https://www.xtremeair.com.*

(4) You may view this service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for locating Docket No. FAA–2018–0284.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). 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.*

Issued in Kansas City, Missouri, on March 30, 2018.

Pat Mullen,

Acting Deputy Director, Policy & Innovation Division, Aircraft Certification Service.

[FR Doc. 2018–06949 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0908; Product Identifier 2017–NM–103–AD; Amendment 39–19238; AD 2018–07–07]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Dassault Aviation Model FAN JET FALCON, FAN JET FALCON SERIES D, E, F, and G airplanes; and certain Model MYSTERE–FALCON 20–C5, 20–D5, 20–E5, and 20–F5 airplanes. This AD was prompted by reports of the collapse of the main landing gear (MLG) on touchdown. This AD requires an electrical modification of the landing gear sequence logic. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 14, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 14, 2018.

ADDRESSES: For service information identified in this final rule, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; internet *http://www.dassaultfalcon.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0908.

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–2017–0908; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, 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: 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

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Dassault Aviation Model FAN JET FALCON, FAN JET FALCON SERIES D, E, F, and G airplanes; and certain Model MYSTERE–FALCON 20–C5, 20–D5, 20–E5, and 20–F5 airplanes. The NPRM published in the **Federal Register** on October 24, 2017 (82 FR 49151) (''the NPRM''). The NPRM was prompted by reports of the collapse of the main landing gear on touchdown. The NPRM proposed to require an electrical modification of the landing gear sequence logic. We are issuing this AD to prevent MLG collapse, which could result in damage to the airplane and injury to the occupants.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0130, dated July 26, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Dassault Aviation Model FAN JET FALCON, FAN JET FALCON SERIES D, E, F, and G airplanes; and certain Model MYSTERE–FALCON 20–C5, 20–D5, 20–E5, and 20–F5 airplanes. The MCAI states:

> An incident occurred in January 2016 on a Falcon 20–5 aeroplane where, upon touchdown, one main landing gear (MLG) collapsed, due to a sequence anomaly.
>
> This condition, if not corrected, could lead to additional events of MLG collapse, possibly resulting in damage to the aeroplane and injury to the occupants.
>
> Prompted by previous similar events, Dassault developed a modification, ensuring that hydraulic pressure of circuit #1 of the landing gear actuators is maintained after the extension sequence is completed. As a result, in the unlikely case of having one of the legs not properly mechanically locked down, the pressure maintained in the landing gear bracing devices will prevent landing gear from collapsing. Dassault published Service Bulletin (SB) F20–676 in 1981 (later revised in 1998) which contains the necessary instructions to modify in-service aeroplanes.
>
> For the reasons described above, this [EASA] AD requires an electrical modification of the landing gear sequence logic.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0908.

Comments

We gave the public the opportunity to participate in developing this final rule. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed except for 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.

Related Service Information Under 1 CFR part 51

Dassault Aviation has issued Service Bulletin F20–676, Revision 1, dated March 4, 1998. This service information describes procedures for an electrical modification of the MLG sequence logic to prevent landing gear collapse on touchdown. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 308 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
Modification	21 work-hours × $85 per hour = $1,785	$912	$2,697	$830,676

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):

2018–07–07 Dassault Aviation: Amendment 39–19238; Docket No. FAA–2017–0908; Product Identifier 2017–NM–103–AD.

(a) Effective Date

This AD is effective May 14, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Dassault Aviation airplanes, certificated in any category, identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) All Model FAN JET FALCON, FAN JET FALCON SERIES D, E, F, and G airplanes.

(2) Model MYSTERE–FALCON 20–C5, 20–D5, 20–E5, and 20–F5 airplanes, except serial numbers (S/Ns) 478 and 485.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Reason

This AD was prompted by reports of the collapse of the main landing gear (MLG) on touchdown. We are issuing this AD to prevent MLG collapse, which could result in damage to the airplane and injury to the occupants.

(f) Compliance

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

(g) Modification

Within 74 months after the effective date of this AD, accomplish an electrical modification in accordance with the Accomplishment Instructions of Dassault Service Bulletin F20–676, Revision 1, dated March 4, 1998.

(h) No Reporting Requirement

Although the service information identified in paragraph (g) of this AD specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2017–0130, dated July 26, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0908.

(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.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (k)(3) and (k)(4) of this AD.

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Dassault Service Bulletin F20–676, Revision 1, dated March 4, 1998.

(ii) Reserved.

(3) For service information identified in this AD, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; internet *http://www.dassaultfalcon.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(5) You may view this service information that is incorporated by reference at the

National Archives and Records Administration (NARA). 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.*

Issued in Des Moines, Washington, on March 20, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–06711 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1176; Product Identifier 2017–NM–123–AD; Amendment 39–19237; AD 2018–07–06]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 747–8 series airplanes. This AD was prompted by a report of restricted movement of the right brake pedals after landing rollout. This AD requires revising the airplane flight manual (AFM) by adding an autobrake system limitation. This AD also requires modifying intercostal webs near a main entry door, which terminates the AFM limitation. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 14, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 14, 2018.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1176.

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–2017–1176; 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: Kelly McGuckin, Aerospace Engineer, Systems and Equipment Section, Seattle ACO Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3546; email: *Kelly.McGuckin@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 certain The Boeing Company Model 747–8 series airplanes. The NPRM published in the **Federal Register** on January 2, 2018 (83 FR 80). The NPRM was prompted by a report of restricted movement of the right brake pedals after landing rollout. The NPRM proposed to require revising the AFM by adding an autobrake system limitation. The NPRM also proposed to require modifying intercostal webs near a main entry door, which would terminate the AFM limitation revision. We are issuing this AD to prevent restricted motion of the brake pedals, which can affect stopping performance and directional control of the airplane. This restricted motion can lead to high speed runway excursion or lateral runway excursion.

Comments

We gave the public the opportunity to participate in developing this final rule. We have considered the comment received. Boeing stated its support for the NPRM.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Requirements Bulletin 747–32A2525 RB, dated September 6, 2017. This service information describes procedures for modifying intercostal webs near main entry door 3 by drilling two drain holes in the station-18 intercostal web at door stop 8 and applying sealant at the fore-aft drain path of the upper main sill web at station 16 near door 3R and door 3L. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 2 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
AFM revision	1 work-hour × $85 per hour = $85	$0	$85	$170
Modification	10 work-hours × $85 per hour = $850	(1)	850	1,700

[1] We have received no definitive data that enables us to provide parts cost estimates for the modification specified in this AD.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all available costs in our cost estimate.

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 and associated appliances to the Director of the System Oversight 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):

2018–07–06 The Boeing Company: Amendment 39–19237; Docket No. FAA–2017–1176; Product Identifier 2017–NM–123–AD.

(a) Effective Date

This AD is effective May 14, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 747–8 series airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 747–32A2525 RB, dated September 6, 2017, except for airplanes having line numbers 1443, 1451, 1453, 1456, 1470, 1472, 1475, 1477, 1480, 1492, 1494, 1497, 1498, 1500, 1503, 1511, 1512, 1513, and 1514.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Unsafe Condition

This AD was prompted by a report of restricted movement of the brake pedals after landing rollout. We are issuing this AD to prevent restricted motion of the brake pedals, which can affect stopping performance and directional control of the airplane. This restricted motion can lead to high speed runway excursion or lateral runway excursion.

(f) Compliance

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

(g) Required Actions

Within 120 days after the effective date of this AD: Revise the airplane flight manual (AFM) by incorporating the limitation specified in figure 1 to paragraph (g) of this AD.

Figure 1 to Paragraph (g) of this AD – *Autobrake Limitation*

Autobrakes	**(Required by AD AD 2018-07-06)**
Takeoff is prohibited without an operative autobrake system.	
The autobrake system must be used for landing, unless EICAS messages AUTOBRAKES or ANTISKID are displayed.	
The autobrake system may only be disengaged after slowing to a safe taxi speed or to a full stop, and only by use of the brake pedals.	

(h) Terminating Action for AFM Limitation

Within 60 months after the effective date of this AD, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 747–32A2525 RB, dated September 6, 2017, except where the requirements bulletin specifies applying sealant, the following type of sealant must be used: BMS 5–142, TYPE 2; BMS 5–95; PR–1826; or PR–1828. Doing the actions specified in this paragraph terminates the AFM limitation revision required by paragraph (g) of this AD. The AFM limitation required by paragraph (g) of this AD may be removed from the AFM after accomplishing the actions specified in this paragraph.

Note 1 to paragraph (h) of this AD: Guidance for accomplishing the actions required by paragraph (h) of this AD can be found in Boeing Alert Service Bulletin 747–32A2525, dated September 6, 2017, which is referred to in Boeing Alert Requirements Bulletin 747–32A2525 RB, dated September 6, 2017.

(i) Special Flight Permit

Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are not allowed, except as provided by paragraph (j) of this AD.

(j) Ferry Flight Limitations

Operators who are prohibited from further flight due to the autobrake system being inoperative may perform a one-time non-revenue ferry flight to fly the airplane to a maintenance facility to either fix the autobrake system or incorporate the terminating action specified in paragraph (h) of this AD. This ferry flight must be performed without passengers, and with interior modifications to allow heated cabin air to warm the brake control cables and pulleys in the vicinity of door 3L and door 3R. These interior modifications must include, at a minimum, temporarily removing the side panels and insulation immediately aft of door 3L and door 3R.

(k) Alternative Methods of Compliance (AMOCs)

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

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

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

(l) Related Information

(1) For more information about this AD, contact Kelly McGuckin, Aerospace Engineer, Systems and Equipment Section, Seattle ACO Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3546; email: *Kelly.McGuckin@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (m)(3) and (m)(4) of this AD.

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Alert Requirements Bulletin 747–32A2525 RB, dated September 6, 2017.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). 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.*

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

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–06710 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0285; Product Identifier 2018–CE–010–AD; Amendment 39–19245; AD 2018–07–14]

RIN 2120–AA64

Airworthiness Directives; Pacific Aerospace Limited Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Pacific Aerospace Limited Model 750XL airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as insufficient engagement of the couplings with the flex drive of the rudder trim drive system. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective April 30, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of April 30, 2018.

We must receive comments on this AD by May 24, 2018.

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

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

For service information identified in this AD, contact Pacific Aerospace Limited, Airport Road, Hamilton, Private Bag 3027, Hamilton 3240, New Zealand; phone: +64 7843 6144; fax: +64 843 6134; email: *pacific@aerospace.co.nz;* Internet: *www.aerospace.co.nz.* You may view this referenced service information at

the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for locating Docket No. FAA–2018–0285.

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–2018–0285; 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 AD, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The Civil Aviation Authority (CAA), which is the aviation authority for New Zealand, has issued CAA AD DCA/750XL/26, dated February 28, 2018 (referred to after this as ''the MCAI''), to correct an unsafe condition for Pacific Aerospace Limited Model 750XL airplanes. The MCAI states:

> This [CAA] AD mandates the instructions in Pacific Aerospace Limited Mandatory Service Bulletin (MSB) PACSB/XL/085 issue 1, dated 8 January 2018. The MSB is issued to prevent disengagement of the rudder and/or elevator trim drive due to possible insufficient engagement of the couplings with the flex drive at fuselage stations 115.34 and 180.85, which could result in an ineffective rudder and/or elevator trim system.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0285.

Related Service Information Under 1 CFR Part 51

Pacific Aerospace Limited has issued Pacific Aerospace Mandatory Service Bulletin PACSB/XL/085, Issue 1, dated January 8, 2018. The service information describes procedures for removal of the rudder and elevator drive shaft couplings and replacement with new couplings to ensure proper engagement of the drive ends. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of the AD.

FAA's Determination and Requirements of the 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 this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all information provided by the State of Design Authority and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because if the rudder and/or elevator trim drive couplings become disconnected and the rudder and elevator trim systems will become inoperable, which increases the workload for the pilot. Therefore, we find good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reason 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–2018–0285; Directorate Identifier 2018–CE–010–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 because of those comments.

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

Costs of Compliance

We estimate that this AD will affect 22 products of U.S. registry. We also estimate that it would take about 6 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts would cost about $400 per product.

Based on these figures, we estimate the cost of the AD on U.S. operators to be $20,020, or $910 per product.

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 small airplanes, gliders, balloons, airships, domestic business jet transport airplanes, and associated appliances to the Director of the Policy and Innovation 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 AD:

2018–07–14 Pacific Aerospace Limited: Amendment 39–19245; Docket No. FAA–2018–0285; Directorate Identifier 2018–CE–010–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective April 30, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the following Pacific Aerospace Limited Model 750XL airplanes, certificated in any category:

(1) All serial numbers equipped with modification PAC/XL/0582; and

(2) serial numbers 193 through 197, 199, 200, and 203.

(d) Subject

Air Transport Association of America (ATA) Code 27: Flight Controls.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as insufficient engagement of the couplings with the flex drive of the rudder trim drive system. We are issuing this AD to prevent disengagement of the rudder and/or elevator trim drive, which could result in increased workload on the pilot and possible loss of control.

(f) Actions and Compliance

Unless already done, within 60 days after April 30, 2018 (the effective date of this AD), remove the rudder and elevator drive shaft couplings, part number (P/N) 11–49023–1, and replace with P/N 11–49023–3 at fuselage stations 115.34 and 180.85, ensuring proper engagement of the drive ends. Follow the Accomplishment Instructions in Pacific Aerospace Mandatory Service Bulletin PACSB/XL/085, Issue 1, dated January 8, 2018.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Small Airplane Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, Small Airplane Standards Branch, FAA; or the Civil Aviation Authority of New Zealand (CAA).

(h) Related Information

Refer to the MCAI by the CAA, AD DCA/750XL/26, dated February 28, 2018, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0285.

(i) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Pacific Aerospace Mandatory Service Bulletin PACSB/XL/085, Issue 1, dated January 8, 2018.

(ii) Reserved.

(3) For service information identified in this AD, contact Pacific Aerospace Limited, Airport Road, Hamilton, Private Bag 3027, Hamilton 3240, New Zealand; phone: +64 7843 6144; fax: +64 843 6134; email: *pacific@aerospace.co.nz;* Internet: *www.aerospace.co.nz.*

(4) You may view this service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for locating Docket No. FAA–2018–0285.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). 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.*

Issued in Kansas City, Missouri, on March 30, 2018.

Pat Mullen,

Acting Deputy Director, Policy & Innovation Division, Aircraft Certification Service

[FR Doc. 2018–06950 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0810; Product Identifier 2017–NM–045–AD; Amendment 39–19240; AD 2018–07–09]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701, & 702), Model CL–600–2D15 (Regional Jet Series 705), Model CL–600–2D24 (Regional Jet Series 900), and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. This AD was prompted by a report of a smoke-in-cabin event due to a non-sustaining electrical fire. This AD requires installation of protective sleeves on the bonding jumper wires of affected galleys and lavatories. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 14, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 14, 2018.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone: 1–866–538–1247 or direct-dial telephone: 1–514–855–2999; fax: 514–855–7401; email: *ac.yul@aero.bombardier.com;* internet: *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport

Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0810.

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–2017–0810; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone: 800–647–5527) is Docket Management Facility, 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: Assata Dessaline, Aerospace Engineer, Avionics and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516–228–7301; fax: 516–794–5531.

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 certain Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701, & 702), Model CL–600–2D15 (Regional Jet Series 705), Model CL–600–2D24 (Regional Jet Series 900), and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. The NPRM published in the **Federal Register** on September 13, 2017 (82 FR 42953) (''the NPRM''). The NPRM was prompted by a report of a smoke-in-cabin event due to a non-sustaining electrical fire. The NPRM proposed to require installation of protective sleeves on the bonding jumper wires of affected galleys and lavatories. We are issuing this AD to prevent an electrical short of a bonding jumper wire that may result in in-flight smoke or fire events, as well as failure of avionics equipment, due to possible water spray or leakage from a damaged water supply line.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2016–20R1, dated February 3, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701, & 702), Model CL–600–2D15 (Regional Jet Series 705), Model CL–600–2D24 (Regional Jet Series 900), and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. The MCAI states:

> A CRJ900 aeroplane reported a smoke in cabin event due to a non-sustaining electrical fire. The source of smoke was traced to a burnt heated water supply line behind the #2 Galley. The surrounding insulation was also found burnt.
>
> The root cause of this electrical fire was an electrical short between an un-insulated bonding jumper and a terminal block carrying 115 volts AC. The circuit resistance was high enough and the circuit breakers that protect the wiring did not trip open.
>
> Electrical short of a bonding jumper may result in in-flight smoke or fire events as well as failure of avionics equipment due to possible water spray or leakage from a damaged water supply line. The likelihood of this happening is increased by the removal and installation of the galley or lavatory during maintenance, allowing the bonding jumper to become wedged under the terminal block.
>
> * * * * *
>
> Revision 1 of this [Canadian] AD is issued to mandate [the installation of protective sleeves on the galley and lavatory bonding jumper wires in accordance with] Bombardier Service Bulletin (SB) 670BA–25–101 Revision B dated 12 January 2017.
>
> * * *

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0810.

Comments

We gave the public the opportunity to participate in developing this final rule. We considered the comment received. The Air Line Pilots Association, International supported the NPRM.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD as proposed except for 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.

Related Service Information Under 1 CFR Part 51

Bombardier, Inc., has issued Service Bulletin 670BA–25–101, Revision B, dated January 12, 2017. The service information describes procedures for installation of protective sleeves on the bonding jumper wires of affected galleys and lavatories. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 544 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
Install protective sleeves	10 work-hours × $85 per hour = $850	Negligible	$850	$462,400

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):

2018–07–09 Bombardier, Inc.: Amendment 39–19240; Docket No. FAA–2017–0810; Product Identifier 2017–NM–045–AD.

(a) Effective Date

This AD is effective May 14, 2018.

(b) Affected ADs

None.

(c) Applicability

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

(1) Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, serial numbers 10001 through 10344 inclusive.

(2) Bombardier, Inc., Model CL–600–2D15 (Regional Jet Series 705) and Model CL–600–2D24 (Regional Jet Series 900) airplanes, serial numbers 15001 through 15382 inclusive.

(3) Bombardier, Inc., Model CL–600–2E25 (Regional Jet Series 1000) airplanes, serial numbers 19001 through 19044 inclusive.

(d) Subject

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

(e) Reason

This AD was prompted by a report of a smoke-in-cabin event due to a non-sustaining electrical fire. We are issuing this AD to prevent an electrical short of a bonding jumper wire that may result in in-flight smoke or fire events, as well as failure of avionics equipment, due to possible water spray or leakage from a damaged water supply line.

(f) Compliance

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

(g) Protective Sleeve Installation

(1) For airplanes on which the actions specified in Bombardier Service Bulletin 670BA–25–101, dated December 17, 2015; or Bombardier Service Bulletin 670BA–25–101, Revision A, dated October 31, 2016, have not been done, as of the effective date of this AD: Within 6,600 flight hours or 36 months after the effective date of this AD, whichever occurs first, install protective sleeves on the bonding jumper wires of affected galleys and lavatories, in accordance with Part A through Part E, as applicable, of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–25–101, Revision B, dated January 12, 2017.

(2) For airplanes on which the actions specified in Bombardier Service Bulletin 670BA–25–101, dated December 17, 2015; or Bombardier Service Bulletin 670BA–25–101, Revision A, dated October 31, 2016, have been done, as of the effective date of this AD: Within 6,600 flight hours or 36 months after the effective date of this AD, whichever occurs first, inspect, and if required, install protective sleeves on the bonding jumper wires of affected galleys and lavatories, in accordance with Part F of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–25–101, Revision B, dated January 12, 2017.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516–228–7300; fax: 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2016–20R1, dated February 3, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0810.

(2) For more information about this AD, contact Assata Dessaline, Aerospace Engineer, Avionics and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516–228–7301; fax: 516–794–5531.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Bombardier Service Bulletin 670BA–25–101, Revision B, dated January 12, 2017.

(ii) Reserved.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone: 1–866–538–1247 or direct-dial telephone: 1–514–855–2999; fax: 514–855–7401; email: *ac.yul@aero.bombardier.com;* internet: *http://www.bombardier.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(5) You may view this service information that is incorporated by reference at the National Archives and Records

Administration (NARA). 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.*

Issued in Des Moines, Washington, on March 20, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–06712 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0269; Product Identifier 2018–NM–051–AD; Amendment 39–19243; AD 2018–07–12]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A350–941 airplanes. This AD requires performing repetitive station position pick-off unit (SPPU) calibration tests, and applying the corresponding airplane fault isolation if necessary. This AD was prompted by a report indicating malfunctions of the SPPU and failures of the internal wiring due to water ingress via certain electrical connectors, inducing subsequent icing during flight. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective April 24, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 24, 2018.

We must receive comments on this AD by May 24, 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.

For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *continued-airworthiness.a350@airbus.com;* internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0269.

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–2018–0269; 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: Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218.

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 Airworthiness Directive 2018–0058, dated March 14, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A350–941 airplanes. The MCAI states:

> Occurrences have been reported by Airbus A350 operators of malfunctions of Station Position Pick-Off Units (SPPU). Investigations indicated that internal wiring failures occurred due to water ingress via certain electrical connectors, inducing subsequent icing during flight.
>
> This condition, if not detected and corrected, could lead to hidden sensor signal drift (at flap station 3) which, in combination with an independent failure of a flap down drive disconnect, might lead to in-flight detachment of the outer flap surface, possibly resulting in damage to the aeroplane, and/or injury to persons on the ground.
>
> Airbus determined that the SPPU calibration test can highlight all hidden faults, but this test is only scheduled after removal/installation of the equipment. Consequently, to address this potential unsafe condition, Airbus issued the SB [Service Bulletin A350–27–P021, dated February 13, 2018], providing instructions to accomplish the SPPU calibration test at regular intervals.
>
> For the reason described above, this [EASA] AD requires repetitive SPPU calibration test and, depending on findings, accomplishment of applicable corrective action(s) [applying corresponding airplane fault isolation].
>
> Pending the results of the on-going investigation, this [EASA] AD is still considered to be an interim measure and further [EASA] AD action may follow.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0269.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A350–27–P021, dated February 13, 2018. The service information describes performing repetitive SPPU calibration tests, and applying the corresponding airplane fault isolation if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are 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 the same type design.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this

rule because malfunctions of the SPPU and failures of the internal wiring due to water ingress via certain electrical connectors can induce icing, which under certain conditions, could lead to in-flight detachment of the outer flap surface, and consequent damage to the airplane. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer 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–2018–0269; Product Identifier 2018–NM–051–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 Compliances

We estimate that this AD affects 6 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
SPPU calibration test	2 work-hours × $85 per hour = $170 per test cycle.	$0	$170 per test cycle	$1,020 per test cycle

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):

2018–07–12 Airbus: Amendment 39–19243; Docket No. FAA–2018–0269; Product Identifier 2018–NM–051–AD.

(a) Effective Date

This AD becomes effective April 24, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Model A350–941 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Reason

This AD was prompted by a report indicating malfunctions of the station position pick-off unit (SPPU) and failures of the internal wiring due to water ingress via certain electrical connectors, inducing subsequent icing during flight. We are issuing this AD to address a hidden sensor signal drift, which, in combination with an independent failure of a flap down drive disconnect, could lead to in-flight detachment of the outer flap surface, and possibly result in damage to the airplane.

(f) Compliance

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

(g) Repetitive SPPU Calibration Tests and Corrective Action

Within 200 flight cycles or 30 days after the effective date of this AD, whichever occurs first, accomplish a SPPU calibration test in accordance with the Accomplishment

Instructions of Airbus Service Bulletin A350–27–P021, dated February 13, 2018. If any fault message appears after accomplishment of the SPPU calibration test, before further flight, apply the corresponding airplane fault isolation and continue with the SPPU calibration test. Repeat the SPPU calibration test thereafter at intervals not to exceed 200 flight cycles.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the 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.

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

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2018–0058, dated March 14, 2018, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0269.

(2) For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Airbus Service Bulletin A350–27–P021, dated February 13, 2018.

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *continued-airworthiness.a350@airbus.com;* internet *http://www.airbus.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). 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.*

Issued in Des Moines, Washington, on March 27, 2018.

Chris Spangenberg,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–06946 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9559; Airspace Docket No. 16–ACE–11]

RIN 2120–AA66

Amendment of Class D and E Airspace for the Following Missouri Towns; Cape Girardeau, MO; St. Louis, MO; and Macon, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, correction.

SUMMARY: This action corrects the final rule published in the **Federal Register** on February 9, 2018, modifying Class D airspace at Spirit of St. Louis Airport, St. Louis, MO; Class E airspace designated as a surface area at Cape Girardeau Regional Airport, Cape Girardeau, MO, and Spirit of St. Louis Airport; Class E airspace designated as an extension at Cape Girardeau Regional Airport; and Class E airspace extending upward from 700 feet above the surface at Cape Girardeau Regional Airport, Spirit of St. Louis Airport, and Macon-Fower Memorial Airport, Macon, MO. A typographical error was made in the geographic coordinates for the St. Louis Lambert International Runway 30L Localizer listed in the legal description of the Class E airspace extending upward from 700 feet above the surface for St. Louis, MO.

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (83 FR 5707; February 9, 2018) for Docket No. FAA–2016–9559 modifying Class D airspace at Spirit of St. Louis Airport, St. Louis, MO; Class E airspace designated as a surface area at Cape Girardeau Regional Airport, Cape Girardeau, MO, and Spirit of St. Louis Airport; Class E airspace designated as an extension at Cape Girardeau Regional Airport; and Class E airspace extending upward from 700 feet above the surface at Cape Girardeau Regional Airport, Spirit of St. Louis Airport, and Macon-Fower Memorial Airport, Macon, MO. A typographical error was made in the geographic coordinates for the St. Louis Lambert International Runway 30L Localizer listed in the legal description of Class E airspace extending upward from 700 feet above the surface for St. Louis, MO. This action corrects this error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, in the **Federal Register** of February 9, 2018 (83 FR 5707) FR Doc. 2018–02139, Amendment of Class D and E Airspace for the Following Missouri Towns; Cape Girardeau, MO; St. Louis, MO; and Macon, MO, is corrected as follows:

§ 71.1 [Amended]

ACE MO E5 St. Louis, MO [Corrected]

On page 5710, column 2, line 38, remove (lat. 38°45′44″ N, long. 90°22′56″ W) and add in its place (lat. 38°45′19″ N, long. 90°22′56″ W).

Issued in Fort Worth, Texas, on April 2, 2018.

Christopher L. Southerland,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2018–07100 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31187; Amdt. No. 3794]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 9, 2018. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 9, 2018.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;
2. The FAA Air Traffic Organization Service Area in which the affected airport is located;
3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,
4. The National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary.

This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

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

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on March 23, 2018.

John S. Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, (14 CFR part 97), is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [AMENDED]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
26–Apr–18	MN	Alexandria	Chandler Field	8/0189	3/1/18	This NOTAM, published in TL 18–09, is hereby rescinded in its entirety.
26–Apr–18	CA	Fresno	Fresno Yosemite Intl	7/9103	3/8/18	LOC Y RWY 11L, Amdt 2C.
26–Apr–18	AL	Courtland	Courtland	8/0390	3/16/18	Takeoff Minimums and (Obstacle) DP, Amdt 2.
26–Apr–18	MN	Alexandria	Chandler Field	8/0431	3/14/18	RNAV (GPS) RWY 22, Orig.
26–Apr–18	IN	Indianapolis	Indianapolis Rgnl	8/0900	3/16/18	VOR RWY 34, Amdt 2C.
26–Apr–18	CO	Colorado Springs	City Of Colorado Springs Muni.	8/1731	3/14/18	RNAV (GPS) Y RWY 35L, Amdt 1A.
26–Apr–18	LA	Lafayette	Lafayette Rgnl/Paul Fournet Field.	8/1749	3/16/18	ILS OR LOC RWY 4R, Amdt 2D.
26–Apr–18	LA	Lafayette	Lafayette Rgnl/Paul Fournet Field.	8/1750	3/16/18	RNAV (GPS) RWY 4R, Amdt 1C.
26–Apr–18	LA	Lafayette	Lafayette Rgnl/Paul Fournet Field.	8/1752	3/16/18	RNAV (GPS) RWY 22L, Amdt 1B.
26–Apr–18	LA	Lafayette	Lafayette Rgnl/Paul Fournet Field.	8/1753	3/16/18	ILS OR LOC RWY 22L, Amdt 5C.
26–Apr–18	LA	Lake Charles	Lake Charles Rgnl	8/4569	3/13/18	RNAV (GPS) RWY 15, Amdt 1A.
26–Apr–18	OK	Stillwater	Stillwater Rgnl	8/4810	3/15/18	RNAV (GPS) RWY 35, Amdt 1A.
26–Apr–18	MS	Meridian	Key Field	8/6080	3/8/18	ILS OR LOC RWY 1, Amdt 26A.
26–Apr–18	CA	Sacramento	Sacramento Intl	8/7363	3/13/18	ILS OR LOC RWY 34L, Amdt 7F.
26–Apr–18	CA	Arcata/Eureka	California Redwood Coast-Humboldt County.	8/7880	3/8/18	RNAV (GPS) RWY 32, Amdt 2.
26–Apr–18	MI	Marlette	Marlette	8/8447	3/13/18	Takeoff Minimums and (Obstacle) DP, Orig.
26–Apr–18	AZ	Casa Grande	Casa Grande Muni	8/9260	3/14/18	VOR RWY 5, Amdt 4D.
26–Apr–18	AZ	Casa Grande	Casa Grande Muni	8/9263	3/14/18	ILS OR LOC/DME RWY 5, Amdt 6F.

[FR Doc. 2018–06991 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31186; Amdt. No. 3793]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 9, 2018. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 9, 2018.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

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

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on March 23, 2018.

John S. Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 26 April 2018

Harrison, AR, Boone County, Takeoff Minimums and Obstacle DP, Amdt 2A
Kailua/Kona, HI, Ellison Onizuka Kona Intl at Keahole, RNAV (RNP) Z RWY 17, Orig-B

Effective 24 May 2018

Bettles, AK, Bettles, RNAV (GPS) RWY 2, Amdt 1
Bettles, AK, Bettles, RNAV (GPS) RWY 20, Amdt 1
Bettles, AK, Bettles, Takeoff Minimums and Obstacle DP, Amdt 3
Bettles, AK, Bettles, VOR RWY 2, Amdt 2
Birmingham, AL, Birmingham-Shuttlesworth Intl, Takeoff Minimums and Obstacle DP, Amdt 8
Harrison, AR, Boone County, RNAV (GPS) RWY 18, Orig-A
Melbourne, AR, Melbourne Muni-John E Miller Field, Takeoff Minimums and Obstacle DP, Amdt 1
Morrilton, AR, Petit Jean Park, Takeoff Minimums and Obstacle DP, Amdt 2
Palmdale, CA, Palmdale USAF Plant 42, ILS OR LOC RWY 25, Amdt 10
Palmdale, CA, Palmdale USAF Plant 42, RNAV (GPS) RWY 7, Orig

Palmdale, CA, Palmdale USAF Plant 42, RNAV (GPS) RWY 22, Orig
Palmdale, CA, Palmdale USAF Plant 42, RNAV (GPS) RWY 25, Amdt 2
Palmdale, CA, Palmdale USAF Plant 42, VOR OR TACAN RWY 25, Amdt 8
Wray, CO, Wray Muni, RNAV (GPS) RWY 35, Amdt 2A
Yuma, CO, Yuma Muni, RNAV (GPS) RWY 16, Orig
Yuma, CO, Yuma Muni, RNAV (GPS) RWY 34, Orig
Yuma, CO, Yuma Muni, Takeoff Minimums and Obstacle DP, Orig
Greenfield, IA, Greenfield Muni, RNAV (GPS) RWY 7, Amdt 1
Greenfield, IA, Greenfield Muni, RNAV (GPS) RWY 25, Amdt 1
Detroit, MI, Coleman A Young Muni, Takeoff Minimums and Obstacle DP, Amdt 7A
Detroit, MI, Willow Run, Takeoff Minimums and Obstacle DP, Amdt 10B
Missoula, MT, Missoula Intl, ILS Y RWY 12, Orig-C
Missoula, MT, Missoula Intl, ILS Z RWY 12, Amdt 12D
Missoula, MT, Missoula Intl, RNAV (GPS)–D, Amdt 1
Missoula, MT, Missoula Intl, RNAV (GPS) Y RWY 12, Amdt 3
Missoula, MT, Missoula Intl, RNAV (RNP) RWY 30, Orig-B
Missoula, MT, Missoula Intl, RNAV (RNP) Z RWY 12, Orig-D
Missoula, MT, Missoula Intl, VOR–A, Amdt 13
Missoula, MT, Missoula Intl, VOR–B, Amdt 7
Louisburg, NC, Triangle North Executive, ILS OR LOC RWY 5, Amdt 4B
Louisburg, NC, Triangle North Executive, VOR–A, Amdt 2C
Raleigh/Durham, NC, Raleigh-Durham Intl, Takeoff Minimums and Obstacle DP, Amdt 6A
Rocky Mount, NC, Rocky Mount-Wilson Rgnl, ILS OR LOC RWY 4, Amdt 16C
Sanford, NC, Raleigh Exec Jetport at Sanford-Lee County, ILS Y OR LOC Y RWY 3, Orig-A
Sanford, NC, Raleigh Exec Jetport at Sanford-Lee County, ILS Z OR LOC Z RWY 3, Amdt 2A
Hartington, NE, Hartington Muni/Bud Becker Fld, RNAV (GPS) RWY 31, Orig-C
Buffalo, NY, Buffalo Niagara Intl, RNAV (GPS) Y RWY 5, Amdt 2D
Buffalo, NY, Buffalo Niagara Intl, RNAV (RNP) Z RWY 23, Orig-A
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Dayton, OH, James M Cox Dayton Intl, ILS OR LOC RWY 24L, Amdt 10A
Dayton, OH, James M Cox Dayton Intl, ILS OR LOC RWY 24R, Amdt 10A
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Dayton, OH, James M Cox Dayton Intl, RNAV (RNP) Y RWY 6L, Orig-B
Dayton, OH, James M Cox Dayton Intl, RNAV (RNP) Y RWY 24R, Orig-B
Marion, OH, Marion Muni, RNAV (GPS) RWY 13, Orig-A
Marion, OH, Marion Muni, RNAV (GPS) RWY 25, Orig-A
Marion, OH, Marion Muni, VOR–A, Amdt 1A
Mount Gilead, OH, Morrow County, VOR–A, Amdt 5
Franklin, PA, Venango Rgnl, ILS OR LOC RWY 21, Amdt 6B
Franklin, PA, Venango Rgnl, RNAV (GPS) RWY 3, Amdt 1B
Franklin, PA, Venango Rgnl, RNAV (GPS) RWY 21, Amdt 1B
Franklin, PA, Venango Rgnl, VOR RWY 3, Amdt 5B
Greenville, PA, Greenville Muni, RNAV (GPS)-B, Orig-A
Greenville, PA, Greenville Muni, VOR–A, Amdt 2, CANCELED
Price, UT, Carbon County Rgnl/Buck Davis Field, ILS OR LOC RWY 1, Amdt 1A
Price, UT, Carbon County Rgnl/Buck Davis Field, RNAV (GPS) RWY 1, Amdt 2A
Price, UT, Carbon County Rgnl/Buck Davis Field, VOR RWY 1, Amdt 1A
Danville, VA, Danville Rgnl, ILS OR LOC RWY 2, Amdt 4C
South Hill, VA, Mecklenburg-Brunswick Rgnl, LOC RWY 1, Amdt 1A
Olympia, WA, Olympia Rgnl, ILS OR LOC RWY 17, Amdt 12C
Olympia, WA, Olympia Rgnl, RNAV (GPS) RWY 17, Amdt 1
Olympia, WA, Olympia Rgnl, RNAV (GPS) RWY 35, Orig-B
Olympia, WA, Olympia Rgnl, Takeoff Minimums and Obstacle DP, Amdt 6
Olympia, WA, Olympia Rgnl, VOR RWY 35, Amdt 13
Olympia, WA, Olympia Rgnl, VOR–A, Amdt 2
Appleton, WI, Appleton Intl, ILS OR LOC RWY 3, Amdt 18
Appleton, WI, Appleton Intl, RNAV (GPS) RWY 30, Amdt 1B

[FR Doc. 2018–06993 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–13–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

15 CFR Part 2008

Removal of the Office of the United States Trade Representative Rules Concerning Classification and Safeguarding of National Security Information

AGENCY: Office of the United States Trade Representative.

ACTION: Final rule.

SUMMARY: This rule removes part 2008 of the Office of the United States Trade Representative's (USTR) regulations, which established policy and procedure for the classification and safeguarding of national security information by USTR staff. USTR has replaced the rule, which was promulgated in 1979 and is based on a superseded Executive Order, with updated plain language guidance that is available on the USTR website.

DATES: The final rule is effective April 9, 2018.

FOR FURTHER INFORMATION CONTACT: Janice Kaye, Monique Ricker or Melissa Keppel, Office of General Counsel, United States Trade Representative, Anacostia Naval Annex, Building 410/Door 123, 250 Murray Lane SW, Washington, DC 20509, *jkaye@ustr.eop.gov; mricker@ustr.eop.gov; mkeppel@ustr.eop.gov;* 202–395–3150.

SUPPLEMENTARY INFORMATION: On September 26, 1979, USTR's predecessor, the Office of the Special Representative for Trade Negotiations, published a rule to establish policies and procedures for the security classification, downgrading, declassification, and safeguarding on national security information. *See* 44 FR 55328–331. The rule, codified at 15 CFR part 2008, is based on a superseded Executive Order, and has never been updated. USTR recently issued Classification Guidance based on current legal and policy requirements. The Guidance sets out the policies and procedures for classifying, downgrading, and declassifying national security information and provides for the protection of USTR information and its availability to authorized users. USTR will update the guidance as necessary to reflect changes to the governing Executive Order, currently Executive Order 13526 of December 29, 2009, *Classified National Security Information,* and implementing rules issued by the Information Security Oversight Office (ISOO) (32 CFR part 2001). The Guidance is available on the USTR website: *https://ustr.gov/about-us/reading-room/declassification-program.*

Administrative Procedure and Regulatory Flexibility Acts

USTR finds good cause to waive prior notice and an opportunity for public comment, and to make the rule effective immediately, because it removes an obsolete regulation that USTR has replaced with current guidance. Public input is not necessary and delaying codification is not in the public interest. *See* 5 U.S.C. 553(b)(B) and 553(d)(3). The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply to this final rule since prior notice and an opportunity for public comment are not required.

Paperwork Reduction Act

The final rule does not contain any information collection requirement that requires the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

List of Subjects in 15 CFR Part 2008

Administrative practice and procedure, Classified information.

PART 2008—[REMOVED AND RESERVED]

■ For the reasons stated in the preamble, and under the authority of 19 U.S.C. 2171(e)(3), the Office of the United States Trade Representative removes and reserves part 2008 of chapter XX of title 15 of the Code of Federal Regulations.

Janice Kaye,

Chief Counsel for Administrative Law, Office of the U.S. Trade Representative.

[FR Doc. 2018–07220 Filed 4–6–18; 8:45 am]

BILLING CODE 3290–F8–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

[Docket No. MSHA–2014–0030]

RIN 1219–AB87

Examinations of Working Places in Metal and Nonmetal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Announcement of public stakeholder meetings.

SUMMARY: The Mine Safety and Health Administration (MSHA) is announcing the dates and locations of public stakeholder meetings on the Agency's standards for Examinations Of Working Places in Metal and Nonmetal Mines.

DATES: The meeting dates and locations are listed in the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: *Federal Register Publications:* Access rulemaking documents electronically at *http://www.msha.gov/regsinfo.htm* or *http://www.regulations.gov* [Docket Number: MSHA–2014–0030].

FOR FURTHER INFORMATION CONTACT: Sheila A. McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *mcconnell.sheila.a@dol.gov* (email), 202–693–9440 (voice), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Stakeholder Meetings

MSHA will hold six public meetings to inform and educate the mining community on the requirements of the Metal and Nonmetal Examinations of Working Places final rule, which is effective June 2, 2018. At the meetings, MSHA will provide training and compliance assistance materials to attendees. The public meetings will begin at 9 a.m. and end not later than 5 p.m., on the following dates at the locations indicated:

Date/time	Location	Contact No.
May 1, 2018, 9 a.m	DoubleTree by Hilton Hotel Bloomington, 10 Brickyard Drive, Bloomington, Illinois 61701	309–664–6446
May 15, 2018, 9 a.m	Sheraton Birmingham Hotel, 2101 Richard Arrington Jr. Blvd. N,, Birmingham, Alabama 35203.	205–324–5000
May 17, 2018, 9 a.m	Hilton Garden Inn, Pittsburgh Downtown, 250 Forbes Avenue, Pittsburgh, Pennsylvania 15222.	412–281–5557
May 22, 2018, 9 a.m	Renaissance Reno Downtown Hotel, One South Lake Street, Reno, Nevada 89501	775–682–3900
May 24, 2018, 9 a.m	DoubleTree by Hilton Hotel Dallas—Market Center, 2015 Market Center Blvd, Dallas, Texas 75207.	214–741–7481
May 31, 2018, 9 a.m	Hilton Garden Inn Denver Tech Center, 7675 East Union Ave., Denver, Colorado 80237	303–770–4200

II. Background

On January 23, 2017, the Mine Safety and Health Administration published a final rule (January 2017 rule) amending the standards then in effect on examinations of working places in metal and nonmetal mines, 30 CFR 56.18002 and 57.18002 (82 FR 7680). The January 2017 final rule, which was scheduled to become effective on May 23, 2017, was stayed until June 2, 2018 (82 FR 46411). On September 12, 2017, MSHA published a proposed rule that would make limited changes to the January 2017 final rule (82 FR 42765). The final rule, which is published elsewhere in this issue of the **Federal Register**, is effective on June 2, 2018.

David G. Zatezalo,

Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 2018–07083 Filed 4–6–18; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

[Docket No. MSHA–2014–0030]

RIN 1219–AB87

Examinations of Working Places in Metal and Nonmetal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: On January 23, 2017, the Mine Safety and Health Administration published a final rule (January 2017 rule) amending provisions regarding examinations of working places in metal and nonmetal mines which were later stayed. MSHA is further amending the affected provisions following expiration of the stay. These additional amendments provide mine operators additional flexibility in managing their safety and health programs and reduces regulatory burdens without reducing the protections afforded miners. A document announcing stakeholder meetings is published concurrently with this rule in the **Federal Register**.

DATES: Effective June 2, 2018.

FOR FURTHER INFORMATION CONTACT: Sheila A. McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *mcconnell.sheila.a@dol.gov* (email), 202–693–9440 (voice), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

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Availability of Information

Federal Register Publications: Access rulemaking documents electronically at *http://www.msha.gov/regsinfo.htm* or *http://www.regulations.gov* [Docket Number: MSHA–2014–0030]. Obtain a copy of a rulemaking document from the Office of Standards, Regulations, and Variances, MSHA, by request to 202–693–9440 (voice) or 202–693–9441 (facsimile). (These are not toll-free numbers.)

Email Notification: MSHA maintains a list that enables subscribers to receive an email notification when the Agency publishes rulemaking documents in the **Federal Register**. To subscribe, go to *http://www.msha.gov/subscriptions/subscribe.aspx.*

I. Introduction

Under the Federal Mine Safety and Health Act of 1977 (Mine Act), mine operators, with the assistance of miners, have the primary responsibility to prevent the existence of unsafe and unhealthful conditions and practices. Operator compliance with safety and health standards and implementation of safe work practices provide a substantial measure of protection against hazards that cause accidents, injuries, and fatalities. Effective working place examinations are a fundamental accident prevention tool used by operators of metal and nonmetal (MNM) mines. They allow operators to identify and correct adverse conditions that may affect the safety and health of miners and violations of safety and health standards before they cause injury or death to miners.

MSHA's final rule makes changes to §§ 56.18002(a) and 57.18002(a), § 56.18002(b) and (c), and § 57.18002(b) and (c) as amended by the Agency's final rule on examinations of working places that was published on January 23, 2017 (January 2017 rule) (82 FR 7680 at 7695). MSHA's changes to §§ 56.18002(a) and 57.18002(a) require that a competent person examine each working place at least once each shift before work begins, or as miners begin work in that place, for conditions that may adversely affect safety or health. This final rule also amends §§ 56.18002(b) and 57.18002(b) to require that the working place examination record include a description of each condition found that may adversely affect the safety or health of miners and is not corrected promptly. Lastly, MSHA's final rule makes a conforming change and amends §§ 56.18002(c) and 57.18002(c) to require that when a condition that may adversely affect the safety or health of miners is not corrected promptly, the examination record shall include, or be supplemented to include, the date of the corrective action.

This final rule does not address longstanding concepts, definitions in existing MNM standards, and clarifications related to competent person, working place, promptly, and adverse conditions, as noted in the preamble to the January 2017 rule.

After consideration of comments received on the September 12, 2017 notice of proposed rulemaking, the Agency concludes that the final rule will reduce the regulatory burden and increase flexibility for mine operators without reducing protections for miners and is consistent with the Administration's initiatives to reduce and control regulatory costs.

A. Regulatory History

On January 23, 2017, MSHA published a final rule, Examinations of Working Places in Metal and Nonmetal Mines, amending the Agency's standards for the examinations of working places in MNM mines, 30 CFR 56.18002 and 57.18002 (82 FR 7680). The January 2017 rule was scheduled to become effective on May 23, 2017. On May 22, 2017, MSHA published a final rule delaying the effective date to October 2, 2017 (82 FR 23139).

On September 12, 2017, MSHA proposed to further delay the effective date of the final rule from October 2, 2017 to March 2, 2018 (82 FR 42765). On October 5, 2017, MSHA published a final rule that stayed the amendment from the January 2017 rule until June 2, 2018 (82 FR 46411). Also, the October 5, 2017 final rule reinstated, as 30 CFR 56.18002T and 57.18002T, the provisions of the working place examination standards that were in effect as of October 1, 2017; these temporary provisions expire June 2, 2018 (82 FR 46411). (Sections 56.18002T and 57.18002T are subsequently referenced in this document as the ''standards in effect''.) Also, on September 12, 2017, MSHA proposed a limited reopening of the rulemaking record for the January 2017 rule and proposed amendments to the January 2017 rule. The proposed changes that MSHA published for comment were limited to: (1) When working place examinations must begin; and (2) the adverse conditions and corrective actions that must be included in the working place examinations record (82 FR 42757). Specifically, MSHA proposed amending the introductory text of §§ 56.18002(a) and 57.18002(a) to require that an examination of a working place be conducted before work begins, or as miners begin work in that place. The Agency also proposed amending §§ 56.18002(b) and (c) and 57.18002(b) and (c) to require that the examination record include descriptions of adverse conditions that are not corrected promptly, and the dates of corrective action. MSHA held four public hearings from October 24, 2017, to November 2, 2017, at various locations, to provide the members of the public an opportunity to present their views on the limited proposed changes. These hearings were held in Arlington, Virginia; Salt Lake City, Utah; Birmingham, Alabama; and Pittsburgh, Pennsylvania. The comment period for the proposed limited changes closed on November 13, 2017.

B. Executive Orders 12866, 13563, and 13771 Summary

Based on its evaluation of the costs and benefits, MSHA has determined that this final rule will not have an annual effect of $100 million or more on the economy and, therefore, will not be an economically significant regulatory action pursuant to section 3(f) of Executive Order (E.O.) 12866. MSHA estimates that the total undiscounted costs (using 2016 dollars) of the final rule over a 10-year period will be approximately –$276 million, –$235.4 million at a 3 percent rate, and –$193.8 million at a 7 percent rate. The same annual cost savings occur in each of the 10 years so the cost annualized over 10 years will be approximately -$27.6 million for all discount rates. This final rule is an E.O. 13771 deregulatory action. Negative cost values are cost savings that result in a positive net benefit. MSHA estimates that this final rule results in annual cost savings of $27.6 million. Details on the estimated cost savings of this final rule can be found in the rule's economic analysis.

II. Regulatory Procedures

On October 5, 2017, MSHA published a final rule staying the amendments from the January 2017 rule and temporarily reinstating the working place examinations standards that were in effect as of October 1, 2017, until June 2, 2018 (82 FR 46411). MSHA is confirming that both the stay and temporary provisions expire June 2, 2018.

III. Section-by-Section Analysis

After further review of the rulemaking record in the September 12, 2017 **Federal Register** notice of proposed rulemaking, MSHA requested comments and information from the mining community only on the limited changes in the proposed rule—that is the timing of the working place examination and the recording of adverse conditions and corrective action dates in the examination record—and how these proposed changes may affect the safety and health of miners. MSHA also solicited comments on cost and benefit estimates presented in the preamble to the proposed rule and on the data and assumptions the Agency used to develop these estimates. This included the Agency's assumptions on the number of instances adverse conditions are promptly corrected, and time saved by not requiring these corrected conditions to be included in the record.

MSHA received many comments related to issues other than those that were proposed. For example, commenters indicated that amendments to standards in effect are not needed or are not justified. Many stated the working place examination standards in effect which have been in effect since 1979 are sufficient and effective in identifying and correcting conditions that may adversely affect the safety and health of miners and in reducing accidents and injuries in the work place. In some cases, commenters suggested alternatives that included, for example, better mine and miner training, and work place inspection programs and plans.

MSHA has not considered or addressed comments on issues other than those proposed because they are outside the scope of this rulemaking. The Agency's purpose for the limited reopening of the rulemaking record for the January 2017 rule, and for issuing a proposed rule, was to reconsider issues related to the timing of the examination and the recording of adverse conditions and corrective actions in the examination record.

Many commenters generally indicated that the changes in the proposed rule were improvements to the January 2017 rule, but several expressed concerns that the proposal did not go far enough in reducing mine operators' regulatory and cost burdens. Some also maintained that the proposal would not increase miners' protections at MNM mines, but would increase mine operators' administrative and paperwork burdens.

One commenter stated that the proposed changes offer additional flexibility for operators to manage their safety and health programs more efficiently, while reducing burden without compromising miners' safety and health.

MSHA agrees that the proposed changes to the January 2017 rule would reduce mine operators' burdens without compromising the safety and health of miners. Under the final rule, like the proposal, mine operators will have more flexibility on when to conduct their working place examinations. Furthermore, compared to the January 2017 rule, the examination record will be less burdensome for operators since only those adverse conditions that are not corrected promptly, and dates of corrective actions for those conditions, must be included in the record. MSHA concludes that the final rule changes will reduce the regulatory burden and provide operators flexibility, without reducing the safety and health protections afforded miners.

A. Before Work Begins or as Miners Begin Work

This final rule, consistent with the proposed rule, amends the introductory text of §§ 56.18002(a) and 57.18002(a) and requires a competent person to examine each working place at least once each shift before work begins or as miners begin work in that place for conditions that may adversely affect safety or health. This final rule amends the January 2017 provisions to allow miners to enter a working place at the same time that the competent person conducts the examination. The January 2017 rule required the examination of each working place to be conducted before miners begin work in that place.

Many commenters, including some who stated the proposed change to the timing of the examination is an improvement, stated that the proposed rule continues to unnecessarily constrain when operators can conduct their examinations. The reasons commenters gave included that shifts vary and that circumstances and conditions often change during the shift. Some commenters expressed concern that operators need flexibility to conduct examinations at any time during the shift as circumstances dictate, particularly to address changing conditions and hazards that can occur at any time throughout the shift. One of these commenters stated that requiring work place exams to be performed before miners begin working implicitly means that exams would take place before conditions start to change. One commenter commented that, generally, it is a good practice to conduct the exam before anybody enters the work area, whether at the start of the shift or later in the day. This same commenter acknowledged that unsafe conditions can occur throughout the shift and that operators are not relieved from their ongoing obligation to provide a safe and healthy work environment under the Mine Act simply because a work place exam was done. Another commenter stated that the industry's existing practice of conducting these examinations during the shift constitutes a best safety practice. According to the commenter, operators know their work processes best, and are in the best position to tailor their examination practices to occur at a time that would provide the maximum safety benefit to miners. The majority of commenters expressed their support for retaining the standards in effect which, as previously noted in this preamble, is not within the scope of this rulemaking.

In response to commenters' concerns, MSHA does not believe this final rule restricts operators' ability to conduct their examinations, or restricts their ability to conduct as many examinations as they need, depending on work place conditions. The final rule provides operators more flexibility in scheduling examinations than the January 2017 rule. Rather than requiring that examinations occur only before work begins in a working place, the final rule provides the option for a competent person to perform the examination at the same time that miners begin working in that place. With this option available, operators will be better able to manage work schedules to comply with examination requirements without incurring additional costs and burden.

In addition, MSHA recognizes that mining operations have dynamic work environments where conditions are always changing. For that reason, mine operators and miners need to be aware of conditions that may occur at any time that could affect the safety and health of miners. The final rule requires that examinations be conducted at least once per shift before work begins or as miners begin work in that place. As a best practice, operators should perform examinations, consistent with what one commenter stated, to identify and correct adverse conditions as they occur throughout the shift. Other commenters indicated that their companies' practices already include work place examinations that continue during the shift.

Furthermore, as stated in the preamble to the January 2017 rule, MSHA acknowledges that for mines with consecutive shifts or those that operate on a 24-hour, 365-day basis, it may be appropriate to conduct the examination for the next shift at the end

of the previous shift (82 FR 7683). In these cases, MSHA will continue to permit mine operators to conduct an examination on the previous shift. However, as MSHA stated in the January 2017 rule, because conditions at mines can change, operators should examine at a time sufficiently close to the start of the next shift to minimize miners' potential exposure to conditions that may adversely affect their safety or health.

One commenter noted that the change in the proposed rule to allow workers to enter an area at the same time as the competent person does not consider the geographic differences between surface and underground mines and how surface mine supervision differs between the two. The commenter explained that in many cases, due to the geographic locations of crews starting at a surface mine, a competent person would not be able to examine all areas of the mine where several crews of miners would be starting work at the same time.

As indicated in the preamble to the January 2017 rule, it is not MSHA's intent that the mine operator examine the entire mine, unless work is beginning in the entire mine. An examination is only required in those areas where work will be performed. If miners are not scheduled for work in a particular area or place at the mine, that place does not need to be examined.

MSHA also recognizes that there are mines where several crews start work at the same time in different areas of the mine. The competent person designation is not restricted to supervisors and foremen. If designated by the operator as having the required experience and ability, a non-supervisory miner on the crew starting work also may be ''competent'' to conduct the examination. MSHA believes that existing requirements for competent persons provide flexibility for operators while requiring the level of competency necessary to conduct adequate examinations.

Some commenters did not support the proposed changes stating that allowing examinations as miners begin work in a potentially hazardous area would be less protective than the January 2017 amendments; one commenter stated the proposed revision is contrary to Section 101(a)(9) of the Mine Act. The commenters supported implementing the January 2017 requirement that the examination must occur before miners begin work in a working place. One commenter further questioned how sending miners into their work place before an examination has been conducted can be safer than identifying those hazards beforehand, correcting them, and informing the miners of such hazards before they begin their work. This commenter stated that examinations are particularly effective in the discovery and correction of hazardous conditions and practices before they lead to injuries or fatalities, that is, if they are conducted before miners are exposed. The commenter further stated the standard should not be changed to allow examinations after miners are already exposed. Another commenter did not support the changes, describing them as cutbacks in safety regulations, stating that lives will be lost and that the money saved is insignificant.

While this final rule allows miners to enter a working place at the same time a competent person examines for adverse conditions, as stated in the preamble to the January 2017 rule, MSHA intends for adverse conditions to be identified and miner notification provided before miners are potentially exposed to the conditions. Under this final rule, a competent person will identify adverse conditions that can be corrected promptly and the operator will be responsible for correcting them. Miners will be promptly notified of adverse conditions found that cannot be corrected promptly, and operators will be required to include them in the examination record. This final rule, like the January 2017 rule, will promote early identification and improve communication of adverse conditions. MSHA believes that prudent operators will correct many adverse conditions as competent persons perform examinations, or as soon as possible after the completion of examinations. For these reasons, MSHA concludes that the requirements in this final rule are as protective as those in the January 2017 rule. Under this final rule, adverse conditions will be identified and miners will be notified of those adverse conditions that are not promptly corrected, before they are potentially exposed.

Also, this final rule, like the January 2017 rule, does not require a specific time frame for the examination to be conducted. However, whether conducted before work begins in a working place or as work begins in that place, the examination should be conducted within a time frame sufficient to assure any adverse conditions would be identified before miners are potentially exposed.

Some commenters supported the option to allow examinations to be performed as miners begin work in a working place. One commenter noted that it is best to train miners to perform examinations of their own working areas, and thus appropriate to allow examinations as they begin work. Another commenter stated that the change would maintain safe working conditions and provide sufficient flexibility for operators to conduct an examination while not interrupting the transition of shifts. This commenter pointed out that if only a pre-shift exam were required, as in the January 2017 rule, the start of the shift would be delayed to provide time for completion of the exam and communication of adverse conditions, or require personnel to arrive before the shift, resulting in overtime pay and/or delay of work.

The final rule allows mine operators to perform examinations at the same time miners begin work. This provides operators with additional flexibility in scheduling working place examinations.

B. Record of Adverse Conditions

Sections 56.18002(b) and 57.18002(b), like the proposal, require mine operators to make a record of the working place examination and to include, among other information, a description of each condition found that may adversely affect the safety or health of miners that is not corrected promptly. The January 2017 rule required that each adverse condition be listed in the examination record. This final rule reduces the mine operator's recordkeeping burden by requiring that the examination record include only a description of each adverse condition that is not corrected promptly. A similar conforming change to §§ 56.18002(c) and 57.18002(c) requires that the examination record include the dates of corrective actions for only those adverse conditions that are not corrected promptly. In response to comments, the Agency concludes that providing a mine operator an exception to the recordkeeping requirement for conditions that are corrected promptly provides increased incentive to correct conditions promptly, without reducing protections for miners' safety and health. The Agency also believes that this action will likely result in operators' correcting adverse conditions more quickly, and thereby improving protections for miners.

Consistent with the explanation in the preamble to the January 2017 rule regarding miner notification requirements in §§ 56.18002(a)(1) and 57.18002(a)(1), MSHA interprets promptly to mean before miners are potentially exposed to adverse conditions. In the preamble, MSHA stated that if adverse conditions in the work area are corrected before miners are potentially exposed, notification is

not necessary because no miners are exposed to the adverse conditions. Similarly, an adverse condition that is corrected promptly no longer presents a danger to miners, and a description of the adverse condition would not be required as part of the examination record. Similarly, if an adverse condition is not promptly corrected, the mine operator must notify miners and record it in the examination record.

In addition, the purpose of the working place examinations rulemaking is to ensure that adverse conditions will be timely identified, communicated to miners, and corrected, thereby improving miners' safety and health. This final rule reduces the mine operator's recordkeeping burden but does not reduce the protections afforded miners under the January 2017 rule. Consistent with industry best practices, and with comments, MSHA recognizes that prudent mine operators routinely correct many adverse conditions during the examination, or as soon as possible after the completion of the working place examination, and that the corrective action may be taken by the competent person or someone else. For these reasons, the final rule requires the mine operator to record only those conditions that are not promptly corrected and that may expose miners to adverse conditions affecting their safety and health.

In the preamble to the January 2017 rule, MSHA explained that recording all adverse conditions, even those that are corrected promptly, would be useful in identifying trends and areas that could benefit from an increased safety emphasis. While this may be true, MSHA also believes that a recording exception for adverse conditions that are corrected promptly will yield as much or more in safety benefits, because it encourages prompt correction of adverse conditions.

Some commenters opposed the proposed changes to the examination record provisions and expressed their support for implementing requirements of the January 2017 rule. These commenters suggested that all adverse conditions identified during a working place examination must be recorded to encourage mine operators to explore the possible causes of those conditions and to take appropriate corrective actions.

Consistent with the purpose of the January 2017 rule, amending §§ 56.18002(b) and 57.18002(b) reduces the mine operator's burden in recording each adverse condition and encourages prompt correction by requiring that the record include only those conditions that are not corrected promptly and may affect the safety and health of miners.

Most commenters, however, were generally receptive to the proposed changes to the examination record requirements. They expressed that the changes were an improvement over the January 2017 rule and provided more flexibility for operators. Some noted that many adverse conditions are found and corrected during the examination. Others pointed out that requiring all adverse conditions be recorded in the examination record would overwhelm the record with minor housekeeping issues, and the proposed change would reduce the regulatory burden on the operator. Another commenter stated that removing the requirement to record all adverse conditions will provide an incentive for operators to take corrective actions immediately.

MSHA agrees with these commenters and concludes that requiring mine operators to record only those adverse conditions that are not corrected promptly is as protective as the January 2017 rule. When a mine operator is not required to record an adverse condition which is corrected promptly in the examination record, the mine operator is incentivized to correct these conditions.

Many commenters suggested that MSHA revise the examination record requirement to include only those adverse conditions not corrected during the shift, instead of the proposed requirement to include those not corrected promptly. They articulated that the reason for the record is to document adverse conditions that were not corrected timely and still need to be corrected. Some indicated that their recommended exception is consistent with the requirement that the mine operator make the record before the end of the shift.

Recording adverse conditions that are not corrected promptly, rather than those corrected anytime during the shift as suggested by commenters, provides increased incentive for the mine operator to correct the adverse conditions sooner and reduces the risk of accidents, injuries, or illnesses.

MSHA's change to the examination record requirements will reduce the operators' regulatory burden, while continuing to provide equivalent protection to miners' safety and health.

IV. Executive Order 12866: Regulatory Planning and Review; Executive Order 13563: Improving Regulation and Regulatory Review; and Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

Executive Orders (E.O.) 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. E.O. 13771 directs agencies to reduce regulation and control regulatory costs by eliminating at least two existing regulations for each new regulation, and that the cost of planned regulations be prudently managed and controlled through a budgeting process. This final rule is an E.O. 13771 deregulatory action. MSHA believes that this rule reflects industry best practices and the estimated cost savings will likely be realized. As discussed in this section, MSHA estimates that this final rule results in annual cost savings of $27.6 million.[1]

Under E.O. 12866, MSHA must determine whether a regulatory action is ''significant'' and subject to review by OMB. Section 3(f) of E.O. 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Based on its evaluation of the costs and benefits, MSHA has determined that this final rule will not have an annual effect of $100 million or more on the economy and, therefore, will not be an economically significant regulatory action pursuant to section 3(f) of E.O. 12866.

A. Affected Employees and Revenue Estimates

The final rule applies to all MNM mines in the United States. In 2016, there were approximately 11,624 MNM mines employing 140,631 miners,

[1] Except where noted, the analysis presents all dollar values using 2016 dollars.

excluding office workers, and 69,004 contractors working at MNM mines. Table 1 presents the number of MNM mines and employment by mine size.

TABLE 1—MNM MINES AND EMPLOYMENT IN 2016

Mine size	Number of mines	Total employment at mines, excluding office workers
1–19 Employees	10,428	52,703
20–500 Employees	1,174	71,257
501+ Employees	22	16,671
Contractors		69,004
Total	11,624	209,635

Source: MSHA MSIS Data (reported on MSHA Form 7000–2) June 6, 2017.

The U.S. Department of the Interior (DOI) estimated the value of the U.S. mining industry's MNM output in 2016 to be $74.6 billion.[2] Table 2 presents the hours worked and revenue produced at MNM mines by mine size.

TABLE 2—MNM TOTAL HOURS AND REVENUES IN 2016

Mine size	Total hours reported for year	Revenue (in millions of dollars)
1–19 Employees	89,901,269	$22,289
20–500 Employees	153,459,578	40,920
501+ Employees	35,396,747	11,390
Total	278,757,594	74,600

Source: MSHA MSIS Data (total hours worked at MNM mines reported on MSHA Form 7000–2) and estimated DOI reported mining revenues for 2016. MSHA distributed the totals to mine size using employment and hours data.

B. Baseline

MSHA estimated that the January 2017 rule would have resulted in $34.5 million in annual costs for the MNM industry. The Agency estimated that the total undiscounted cost over 10 years would have been $345.1 million; at a 3 percent discount rate, $294.4 million; and at a 7 percent discount rate, $242.4 million.

For the January 2017 rule, MSHA estimated costs associated with conducting an examination before miners begin work, the additional time to make a record, and providing miners' representatives a copy of the record. In the preamble to the January 2017 rule, MSHA concluded that MNM mine operators will use a variety of scheduling methods to conduct an examination of a working place before miners begin work (82 FR 7690). In addition, MSHA considered the following variables: (1) Percent of mine operators currently conducting workplace examinations before miners begin work; (2) number of shifts by mine size; (3) average time to conduct a workplace examination by mine size; (4) hourly wage rate; and (5) number of days a mine operates, on average, by mine size. The hourly wage rate used in MSHA's analysis assumes an average rate for all MNM mines. Like the January 2017 rule, wage rates for this final rule are from the U.S. Department of Labor's Bureau of Labor Statistics (BLS), Occupation Employment Statistics (OES). For this final rule, MSHA applied 2016 wage and employment data to the January 2017 rule cost estimate to calculate a baseline. In the January 2017 rule, MSHA estimated that a mine operator would pay overtime for a competent person to arrive before the shift begins to conduct the working place examination. MSHA also estimated the cost for overtime as time and a half (52.92/hr = $35.28 × 1.5). MSHA retained the calculations and assumptions used in the January 2017 rule to conduct the examination before miners begin work. The revised annual cost base is $27.6 million, or an approximate $0.7 million increase. The updated annual cost consists of:

- $5.13 million = 10,428 mines with 1–19 employees × 15 percent × 20 minutes × 1 hr/60 min × $52.92 wage × 1.1 shifts per day × 1 exam × 169 workdays per year;
- $20.72 million = 1,174 mines with 20–500 employees × 65 percent × 1 hour × $52.92 wage × 1.8 shifts per day × 1 exam × 285 workdays per year; and
- $1.75 million = 22 mines with 501+ employees × 85 percent × 2.5 hours × $52.92 wage × 2.2 shifts per day × 1 exam × 322 workdays per year.

In the January 2017 rule, MSHA estimated the cost of making a record of each examination before the end of the shift for which the examination was conducted. MSHA retained the calculations and assumptions used for this cost estimate (82 FR 7691). The revised annual cost base, which was updated for wage inflation and final 2016 data on the number of mines in operation, is $7.516 million, an approximate $216,000 increase. The updated annual cost consists of:

- $5.70 million = 10,428 mines with 1–19 employees × 1.1 shift per day × 1 exam record × 169 workdays per year × 5 additional minutes × 1 hr/60 min × $35.28 per hour;
- $1.77 million = 1,174 mines with 20–500 employees × 1.8 shifts per day × 1 exam record × 285 workdays per year × 5 additional minutes × 1 hr/60 min × $35.28 per hour; and
- $45,816 = 22 mines with 501+ employees × 2.2 shifts per day × 1 exam record × 322 workdays per year × 5

[2] Revenue estimates are from U.S. Geological Survey, 2017, Mineral Commodity Summaries 2017: U.S. Geological Survey, 202 pages, *https://doi.org/10.3133/70180197,* p. 9.

additional minutes × 1 hr/60 min × $35.28 per hour.

MSHA also retained the calculations and assumptions used to estimate the costs of making a copy of the examination record and providing it to miners' representatives. The annual costs, which were also updated for wage inflation and the number of mines in operations, consist of:

- $137,121 = 10,428 mines with 1–19 employees × 10 percent × 1.1 shifts per day × 169 workdays per year × ((1 minute × $24.44 per hour) + $0.30 copy costs);
- $213,000 = 1,174 mines with 20–500 employees × 50 percent × 1.8 shifts per day × 285 workdays per year × ((1 minute × $24.44 per hour) + $0.30 copy costs); and
- $11,024 = 22 mines with 501+ employees × 100 percent × 2.2 shifts per day × 322 workdays per year × ((1 minute × $24.44 per hour) + $0.30 copy costs).

The revised annual cost base is $.361 million, an approximate $15,000 increase.

C. Net Benefits

Net benefits are the result of subtracting costs from benefits. As detailed in the Benefits and Compliance Cost sections below, no monetized benefits minus the cost savings of −$27.6 million results in a net benefit of $27.6 million annually undiscounted as well as the same value at discount rates of 7 and 3 percent.

D. Benefits

As previously stated, this final rule modifies §§ 56.18002(a) and 57.18002(a) that required the examination be conducted before miners begin work in that place to also allow an examination to be as miners begin work in that place. In addition the final rule modifies §§ 56.18002(b) and 57.18002(b) to require a description of each adverse condition found that is not corrected promptly. MSHA's final rule also modifies §§ 56.18002(c) and 57.18002(c) to require that the examination record include, or be supplemented to include, the date of the corrective action for conditions that are not corrected promptly.

MSHA does not believe the changes to the January 2017 rule reduce the protections afforded miners. As MSHA stated in the preamble to the January 2017 rule, the Agency was unable to separate quantifiable benefits from the January 2017 rule from those benefits attributable to conducting a workplace examination under the standards in effect. MSHA continues to anticipate, however, that there will be benefits from more effective and consistent working place examinations that help to ensure that adverse conditions will be timely identified, communicated to miners, and corrected. MSHA anticipates that the record requirements will improve accident prevention by helping mine operators identify any patterns or trends of adverse conditions and preventing these conditions from recurring. Since MSHA was unable to quantify benefits for this rulemaking, MSHA is not claiming a monetized benefit for this final rule.

E. Compliance Costs

The costs of this final rule are associated with conducting examinations of a working place as miners begin work in that place. For the January 2017 rule estimate, MSHA assumed that operators could have incurred overtime costs, hiring costs, or experience rescheduling costs to comply with the requirement that an examination occur before miners began work. Under this rulemaking, MSHA estimated that mine operators would not incur these costs. MSHA solicited comments, but did not receive specific data or information on the Agency's assumptions or costs saving estimate.

MSHA did not change the longstanding definition related to ''competent person.'' Many commenters recognized that MSHA did not propose changing this definition and, that in many mines, miners are trained and perform as competent persons. However, other commenters considered the requirement that a competent person perform the examination to be a new cost. In addition, the standards in effect require a competent person designated by a mine operator to examine each working place at least once per shift. Therefore, requiring a competent person to perform the examination is not a new cost.

Some commenters suggested that mine operators would incur other costs related to the January 2017 rule due to differences in physical mine sizes, or differences between underground and surface mining operations, and these amendments did not eliminate all of the timing costs attributable to the 2017 rule. However, these commenters did not provide MSHA sufficient data or information for the Agency to quantify the costs associated with the differences in mine size or mining operations. Further, MSHA's estimates represent averages; individual mines have costs above and below the average.

The January 2017 rule also specified the contents of the examination record, which included a requirement that the record include a description of all adverse conditions found. Under this final rule, MSHA reduces the mine operators' burden by modifying the required contents of the examination record. The final rule requires that the examination record include a description of each adverse condition that is not corrected promptly, and no longer requires a record of adverse conditions that are corrected promptly. MSHA solicited information and data on the number of instances adverse conditions are promptly corrected and, on average, how much time would be saved by not requiring corrected conditions to be included in the record. MSHA did not receive data or information in response to this request; therefore, the Agency has estimated no change in costs related to the change to the recordkeeping requirements. The following table reports the published January 2017 rule costs, updates to the baseline, and the final rule's cost savings (cost reductions have a negative sign and are a cost savings). As the table reports, only the timing of the examination has a cost impact for this rulemaking.

TABLE 3—UNDISCOUNTED COSTS, CHANGES, AND REGULATORY SAVINGS

[Annual values, millions, 2016 dollars except as noted]

	Record keeping	Examination timing	Total (may not sum due to rounding)
Costs as published in Jan. 2017 rule (published using 2015 dollars)	7.64	26.88	34.51
Changes due to updated 2016 baseline data	0.24	0.72	0.95
Total revised baseline for Jan. 2017 rule	7.88	27.60	35.47

TABLE 3—UNDISCOUNTED COSTS, CHANGES, AND REGULATORY SAVINGS—Continued

[Annual values, millions, 2016 dollars except as noted]

	Record keeping	Examination timing	Total (may not sum due to rounding)
Regulatory savings of final rule (change from updated baseline, negative values = cost savings)	0.00	−27.60	−27.60

Overhead Costs

MSHA did not include an overhead labor cost in the economic analysis for this final rule. It is also important to note that there is not one broadly accepted overhead rate, and the use of overhead rate to estimate the marginal costs of labor raises a number of issues that should be addressed before applying overhead costs to analyze costs of any regulation. There are several approaches to look at the cost elements that fit the definition of overhead and there are a range of overhead estimates currently used within the federal government—for example, the Environmental Protection Agency has used 17 percent,[3] and the Employee Benefits Security Administration has used 132 percent on average.[4] Some overhead costs, such as advertising and marketing, may be more closely correlated with output rather than with labor. Other overhead costs vary with the number of new employees. For example, rent or payroll processing costs may change little with the addition of 1 employee in a 500-employee firm, but those costs may change substantially with the addition of 100 employees. If an employer is able to rearrange current employees' duties to implement a rule, then the marginal share of overhead costs such as rent, insurance, and major office equipment (*e.g.,* computers, printers, copiers) would be very difficult to measure with accuracy (*e.g.,* computer use costs associated with 2 hours for rule familiarization by an existing employee). Guidance on implementing Executive Order 13771[5] also provides general guidance that applies in this situation:

> For E.O. 13771 deregulatory actions that revise or repeal recently issued rules, agencies generally should not estimate cost savings that exceed the costs previously projected for the relevant requirements, unless credible new evidence show that costs were previously underestimated.

The cost estimate for the January 2017 rule did not include overhead. If, for this rule, MSHA had included an overhead rate when estimating the marginal cost of labor and adopted for these purposes an overhead rate of 17 percent on base wages, the overhead costs would increase cost savings from $27.6 million to $32.3 million at all discount rates, 17 percent more than costs previously projected. This increase in savings of $4.7 million is the same as the 17 percent overhead rate because all rule costs are labor costs and therefore total costs change in direct proportion to the overhead rates selected. MSHA will continue to study overhead costs to ensure regulatory costs are appropriately attributed without double counting or showing savings for concepts not previously considered as costs.

Discounting

Discounting is a technique used to apply the economic concept that the preference for the value of money decreases over time. In this analysis, MSHA provides cost totals at zero, 3, and 7 percent discount rates. The zero percent discount rate is referred to as the undiscounted rate. MSHA used the Excel® Net Present Value (NPV) function to determine the present value of costs and computed an annualized cost from the present value using the Excel PMT function.[6] The negative value of the PMT function provides the annualized cost over 10 years at 3 and 7 percent discount rates using the function's end of period option.

MSHA estimates that the total undiscounted costs of the final rule over a 10-year period will be approximately −$276 million, −$235.4 million at a 3 percent rate, and −$193.8 million at a 7 percent rate. Negative cost values are cost savings. The same annual cost savings occurs in each of the 10 years so the cost annualized over 10 years will be approximately −$27.6 million.

V. Feasibility

A. Technological Feasibility

The final rule contains examination timing and recordkeeping requirements and is not technology-forcing. MSHA concludes that the final rule will be technologically feasible.

B. Economic Feasibility

MSHA established the economic feasibility of the January 2017 rule using its traditional revenue screening test—whether the yearly impacts of a regulation are less than one percent of revenues—to establish presumptively that the January 2017 rule was economically feasible for the mining community. This final rule creates a cost savings of −$27.6 million annually compared to the January 2017 rule. Although the associated revenues decreased slightly from the January 2017 rule estimate of $77.6 billion in 2015 to approximately $74.6 billion for 2016, the costs retained from the January 2017 rule of approximately $7.9 million per year remain well less than one percent of revenues and the net decrease in costs (−$27.6 million annually) is even more supportive of the Agency's conclusion. MSHA concludes that the final rule will be economically feasible for the MNM mining industry.

VI. Regulatory Flexibility Analysis and Small Business Regulatory Enforcement Fairness Act and Executive Order 13272: Proper Consideration of Small Entities in Agency Rulemaking

In the proposed rule, Examinations of Working Places in Metal and Nonmetal Mines, MSHA requested comments on its proposed certification. MSHA has reviewed comments pursuant to the Regulatory Flexibility Act (RFA) of 1980, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA). For the RFA considerations and certification, MSHA has included

[3] U.S. Environmental Protection Agency, ''Wage Rates for Economic Analyses of the Toxics Release Inventory Program,'' June 10, 2002.

[4] For a further example of overhead cost estimates, please see the Employee Benefits Security Administration's guidance at *https://www.dol.gov/sites/default/files/ebsa/laws-and-regulations/rules-and-regulations/technical-appendices/labor-cost-inputs-used-in-ebsa-opr-ria-and-pra-burden-calculations-august-2016.pdf.*

[5] Memorandum: Implementing Executive Order 13771, Titled ''Reducing Regulation and Controlling Regulatory Costs, M–17–21'', April 5, 2017, Question 21, *https://www.whitehouse.gov/the-press-office/2017/04/05/memorandum-implementing-executive-order-13771-titled-reducing-regulation.*

[6] Office of Management and Budget, Office of Information and Regulatory Affairs, Regulatory Impact Analysis: Frequently Asked Questions, February 7, 2011.

the impact of the final rule on small entities only as defined by the Small Business Administration. Based on that analysis, MSHA certifies that this final rule will not have a significant economic impact on a substantial number of small entities. The Agency, therefore, is not required to develop a final regulatory flexibility analysis. MSHA presents the factual basis for this certification below.

A. Definition of a Small Mine

Under the RFA, in analyzing the impact of a rule on small entities, MSHA must use the Small Business Administration's (SBA's) definition for a small entity, or after consultation with the SBA Office of Advocacy, establish an alternative definition for the mining industry by publishing that definition in the **Federal Register** for notice and comment. Although the description of the base costs in the Baseline section includes various mine sizes, MSHA has not established an alternative definition and, therefore, must use SBA's definition. MSHA's traditional definition of a small mine (1–19 employees) is used to assist the mining community understand MSHA's compliance cost estimates and not intended to determine the impact of the final rule on small entities, as required.

On February 26, 2016, SBA's revised size standards became effective. SBA updated the small business thresholds for mining by establishing a number of different levels. MSHA used the SBA standards, definitions, and the 2017 NAICS updates for the screening analysis of the final rule. To align MSHA's data with the SBA definitions, the Agency used the largest value of total mine employment identified by total employment reported to MSHA by the mine operators, total controller employment, or total employment identified from MSHA's research.

B. Factual Basis for Certification

MSHA initially evaluates the impacts on small entities by comparing the estimated compliance costs of a rule for small entities in the sector affected by the rule to the estimated revenues for the affected sector. When this threshold analysis shows estimated compliance costs have been less than one percent of the estimated revenues, the Agency has concluded that it is generally appropriate to conclude that there is no significant adverse economic impact on a substantial number of small entities. Additionally, there is the possibility that a rule might have a positive economic impact. To properly apply MSHA's traditional criteria and consider the positive impact case, MSHA adjusted its traditional threshold analysis criteria to consider the absolute value of one percent rather than only the adverse case. This slight change means when the absolute value of the estimated compliance costs exceeds one percent of revenues, MSHA investigates whether further analysis is required. For small entities impacted by this final rule, MSHA used the average per mine cost savings and average revenues per mine (See Table 2) to estimate the revenue at $40.4 billion and costs savings at $17.2 million (subtracting negative costs results in a positive).

As a percentage, the absolute value of the impact is approximately 0.04 percent ($17.2 million/$40.4 billion); therefore, using the threshold analysis, MSHA concludes no further analysis is required and concludes the final rule will not have a significant impact on a substantial number of small entities. Table 4 shows the estimate of impact by NAICS code.

TABLE 4—SMALL ENTITY IMPACT BY NAICS CODE

NAICS	NAICS description	Small standard (maximum employees)	Number small mines	Revenue small mines ($ millions)	One percent of revenues ($ millions)	Cost savings for small mines ($ millions, savings are positive)	Cost exceeds 1 percent (absolute value)
211111	Crude Petroleum and Natural Gas Extraction.	1,250	6	16	0	0.0	No.
212210	Iron Ore Mining	750	24	1,671	17	0.3	No.
212221	Gold Ore Mining	1,500	116	2,125	21	0.4	No.
212222	Silver Ore Mining	250	8	155	2	0.0	No.
212230	Copper, Nickel, Lead, and Zinc Mining	750	40	2,423	24	0.5	No.
212291	Uranium-Radium-Vanadium Ore Mining.	250	3	85	1	0.1	No.
212299	All Other Metal Ore Mining	750	11	205	2	0.1	No.
212311	Dimension Stone Mining and Quarrying.	500	762	2,993	30	1.8	No.
212312	Crushed and Broken Limestone Mining and Quarrying.	750	1,320	7,102	71	3.3	No.
212313	Crushed and Broken Granite Mining and Quarrying.	750	146	1,310	13	0.7	No.
212319	Other Crushed and Broken Stone Mining and Quarrying.	500	1,048	4,030	40	2.2	No.
212321	Construction Sand and Gravel Mining	500	5,278	9,550	95	4.4	No.
212322	Industrial Sand Mining	500	232	1,182	12	0.7	No.
212324	Kaolin and Ball Clay Mining	750	9	226	2	0.1	No.
212325	Clay and Ceramic and Refractory Minerals Mining.	500	211	1,380	14	0.9	No.
212391	Potash, Soda, and Borate Mineral Mining.	750	8	936	9	0.1	No.
212392	Phosphate Rock Mining	1,000	8	556	6	0.1	No.
212393	Other Chemical and Fertilizer Mineral Mining.	500	46	603	6	0.3	No.
327310	Cement Manufacturing	1,000	39	2,114	21	0.7	No.
327410	Lime Manufacturing	750	32	985	10	0.5	No.
331313	Alumina Refining and Primary Aluminum Production.	1,000	5	728	7	0.1	No.
Grand Total (totals do not sum due to rounding).	n/a	n/a	9,352	40,374	404	17.2	No.

VII. Paperwork Reduction Act of 1995

The final changes due to this rulemaking are unlikely to change the number of collections or respondents in the currently approved collection 1219–0089. The recordkeeping change from the January 2017 rule may reduce the burden slightly, but MSHA concludes that any small decrease in the time needed to make the record may not be measurable. MSHA requested comments on this issue in the September 2017 proposed rule preamble (82 FR 42761). MSHA received a comment accepting the conclusion and other comments stating the requirement to record all adverse conditions was overly burdensome. MSHA revised the regulatory requirement to reduce the burden but did not receive any comments with information that would help MSHA decrease the burden estimate. MSHA concludes that the previously approved collection 1219–0089 remains representative and is not requesting any change to the burden estimate in the approved collection.

VIII. Other Regulatory Considerations

A. The Unfunded Mandates Reform Act of 1995

MSHA has reviewed the final rule under the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 *et seq.*). MSHA has determined that this rule does not include any federal mandate that may result in increased expenditures by State, local, or tribal governments; nor will it increase private sector expenditures by more than $100 million (adjusted for inflation) in any one year or significantly or uniquely affect small governments. Accordingly, the Unfunded Mandates Reform Act requires no further Agency action or analysis.

B. The Treasury and General Government Appropriations Act of 1999: Assessment of Federal Regulations and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act of 1999 (5 U.S.C. 601 note) requires agencies to assess the impact of Agency action on family well-being. MSHA has determined that this final rule will have no effect on family stability or safety, marital commitment, parental rights and authority, or income or poverty of families and children. Accordingly, MSHA certifies that this final rule will not impact family well-being.

C. Executive Order 12630: Government Actions and Interference With Constitutionally Protected Property Rights

Section 5 of E.O. 12630 requires Federal agencies to ''identify the takings implications of proposed regulatory actions . . .'' MSHA has determined that this final rule does not include a regulatory or policy action with takings implications. Accordingly, E.O. 12630 requires no further Agency action or analysis.

D. Executive Order 12988: Civil Justice Reform

Section 3 of E.O. 12988 contains requirements for Federal agencies promulgating new regulations or reviewing existing regulations to minimize litigation by eliminating drafting errors and ambiguity, providing a clear legal standard for affected conduct rather than a general standard, promoting simplification, and reducing burden. MSHA has reviewed this final rule and has determined that it will meet the applicable standards provided in E.O. 12988 to minimize litigation and undue burden on the Federal court system.

E. Executive Order 13132: Federalism

MSHA has determined that this final rule does not have federalism implications because 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. Accordingly, E.O. 13132 requires no further Agency action or analysis.

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

MSHA has determined that this final rule does not have tribal implications because it will 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. Accordingly, E.O. 13175 requires no further Agency action or analysis.

G. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

E.O. 13211 requires agencies to publish a statement of energy effects when a rule has a significant energy action that adversely affects energy supply, distribution, or use. In its January 2017 rule, MSHA reviewed the rule for its energy effects. The impact on uranium mines is applicable in this case. MSHA data show only two active uranium mines in 2016. Because this final rule will have a net cost savings, MSHA has concluded that it will not be a significant energy action because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Accordingly, under this analysis, no further Agency action or analysis is required.

List of Subjects in 30 CFR Parts 56 and 57

Metals, Mine safety and health, Reporting and recordkeeping requirements.

David G. Zatezalo,

Assistant Secretary of Labor for Mine Safety and Health.

For the reasons set out in the preamble, and under the authority of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006, MSHA is amending parts 56 and 57 of title 30 of the Code of Federal Regulations as follows:

PART 56—SAFETY AND HEALTH STANDARDS—SURFACE METAL AND NONMETAL MINES

■ 1. The authority citation for part 56 continues to read as follows:

Authority: 30 U.S.C. 811.

■ 2. Revise § 56.18002 to read as follows:

§ 56.18002 Examination of working places.

(a) A competent person designated by the operator shall examine each working place at least once each shift before work begins or as miners begin work in that place, for conditions that may adversely affect safety or health.

(1) The operator shall promptly notify miners in any affected areas of any conditions found that may adversely affect safety or health and promptly initiate appropriate action to correct such conditions.

(2) Conditions noted by the person conducting the examination that may present an imminent danger shall be brought to the immediate attention of the operator who shall withdraw all persons from the area affected (except persons referred to in section 104(c) of the Federal Mine Safety and Health Act of 1977) until the danger is abated.

(b) A record of each examination shall be made before the end of the shift for which the examination was conducted. The record shall contain the name of the

person conducting the examination; date of the examination; location of all areas examined; and description of each condition found that may adversely affect the safety or health of miners and is not corrected promptly.

(c) When a condition that may adversely affect safety or health is not corrected promptly, the examination record shall include, or be supplemented to include, the date of the corrective action.

(d) The operator shall maintain the examination records for at least one year, make the records available for inspection by authorized representatives of the Secretary and the representatives of miners, and provide these representatives a copy on request.

PART 57—SAFETY AND HEALTH STANDARDS—UNDERGROUND METAL AND NONMETAL MINES

■ 3. The authority citation for part 57 continues to read as follows:

Authority: 30 U.S.C. 811.

■ 4. Revise § 57.18002 to read as follows:

§ 57.18002 Examination of working places.

(a) A competent person designated by the operator shall examine each working place at least once each shift before work begins or as miners begin work in that place, for conditions that may adversely affect safety or health.

(1) The operator shall promptly notify miners in any affected areas of any conditions found that may adversely affect safety or health and promptly initiate appropriate action to correct such conditions.

(2) Conditions noted by the person conducting the examination that may present an imminent danger shall be brought to the immediate attention of the operator who shall withdraw all persons from the area affected (except persons referred to in section 104(c) of the Federal Mine Safety and Health Act of 1977) until the danger is abated.

(b) A record of each examination shall be made before the end of the shift for which the examination was conducted. The record shall contain the name of the person conducting the examination; date of the examination; location of all areas examined; and description of each condition found that may adversely affect the safety or health of miners and is not corrected promptly.

(c) When a condition that may adversely affect safety or health is not corrected promptly, the examination record shall include, or be supplemented to include, the date of the corrective action.

(d) The operator shall maintain the examination records for at least one year, make the records available for inspection by authorized representatives of the Secretary and the representatives of miners, and provide these representatives a copy on request.

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 81

[Docket ID: DOD–2017–OS–0048]

RIN 0790–AJ97

Paternity Claims and Adoption Proceedings Involving Members and Former Members of the Armed Forces

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This final rule removes DoD's regulation concerning paternity claims and adoption proceedings involving members and former members of the Armed Forces. The DoD policy that corresponds with this rule is not required by law and was rescinded. This part is not necessary, therefore, it can be removed from the CFR.

DATES: This rule is effective on April 9, 2018.

FOR FURTHER INFORMATION CONTACT: LTCOL Reggie Yager, 703–571–9301.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it seeks to remove DoD policy from the CFR that has already been rescinded.

This rule is not significant under Executive Order (E.O.) 12866, ''Regulatory Planning and Review,'' therefore, E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs'' does not apply.

List of Subjects in 32 CFR Part 81

Claims, Infants and children, Military personnel.

PART 81—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 81 is removed.

Dated: April 3, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–07161 Filed 4–6–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2018–0261]

RIN 1625–AA08

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

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

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

DATES: This temporary final rule is effective from 7:30 a.m. until 5:30 p.m. on May 5, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0261 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

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

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b) (B), the Coast Guard finds that

good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable. The Coast Guard just recently received the final details of this rowing event, Wy-Hi Rowing Regatta, which does not provide sufficient time to publish an NPRM prior to the event. Thus, delaying the effective date of this rule to wait for a comment period to run would be contrary to public interest because it would inhibit the Coast Guard's ability to protect participants, mariners and vessels from the hazards associated with this event. It is impracticable to publish an NPRM because the special regulation must be effective on May 5, 2018.

III. Legal Authority and Need for Rule

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

IV. Discussion of the Rule

This rule establishes a temporary special local regulation from 7:30 a.m. until 5:30 p.m. on May 05, 2018. In light of the aforementioned hazards, the COTP has determined that a special local regulation is necessary to protect spectators, vessels, and participants. The special local regulation will encompass the following waterway: All waters of the Detroit River, Trenton Channel between the following two lines going from bank-to-bank: The first line is drawn directly across the channel from position 42°11.0′ N, 083°09.4′ W (NAD 83); the second line, to the north, is drawn directly across the channel from position 42°11.7′ N, 083°08.9′ W (NAD 83).

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

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

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-year of the special local regulation. Vessel traffic will be able to safely transit around this special local regulation zone which will impact a small designated area of the Detroit River from 7:30 a.m. to 5:30 p.m. May 05, 2018. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the special local regulation and the rule allows vessels to seek permission to enter the area.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

FURTHER INFORMATION CONTACT section above.

E. Unfunded Mandates Reform Act

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

F. Environment

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

G. Protest Activities

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

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.T09–0261 to read as follows:

§ 100.T09–0261 Special Local Regulation; Wy-Hi Rowing Regatta, Detroit River, Trenton Channel, Wyandotte, MI.

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

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port (COTP) Detroit in the enforcement of the regulated areas.

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

(2) Vessel operators desiring to enter, transit through, anchoring in, remaining in, or operate within the regulated area must contact the CTOP Detroit or his designated representative to obtain permission to do so. The COTP Detroit or his designated representative may be contacted via VHF Channel 16 or at 313–568–9560. Vessel operators given permission to operate within the regulated area must comply with all directions given to them by the COTP or his on-scene representative.

(d) *Enforcement date.* The regulated area described in paragraph (a) of this section will be enforced from 7:30 a.m. until 5:30 p.m. on May 5, 2018.

Dated: April 2, 2018.

Jeffrey W. Novak,

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

[FR Doc. 2018–07159 Filed 4–6–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0226]

Drawbridge Operation Regulation; Hackensack River, Jersey City, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Route 1 & 9 (Lincoln Highway) Bridge across the Hackensack River, mile 1.8, at Jersey City, New Jersey. The deviation is necessary to limit and control bridge openings during the reconstruction and rehabilitation of the Pulaski Skyway Bridge.

DATES: This deviation is effective without actual notice from April 9, 2018 through 11:59 p.m. on July 31, 2018. For the purposes of enforcement, actual notice will be used from 12:01 a.m. on April 2, 2018, until April 9, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0226, is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

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

SUPPLEMENTARY INFORMATION: The owner of the bridge, the New Jersey Department of Transportation, requested a temporary deviation in order to complete the reconstruction and rehabilitation of the adjacent Pulaski Skyway Bridge. The Route 1 & 9 Bridge across the Hackensack River, mile 1.8, at Jersey City, New Jersey is a vertical lift bridge with a vertical clearance of 35 feet at mean high water and 40 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.5.

This temporary deviation will allow the Route 1 & 9 Bridge to open on signal from April 2, 2018 to July 31, 2018, except that the draw will not open to vessel traffic, Monday through Friday, between 6 a.m. and 9:30 a.m. and between 2:30 p.m. and 6 p.m., except holidays. On Federal holidays, the Route 1 & 9 Bridge will open on signal. Tide dependent deep draft vessels may request bridge openings during the rush hour closure periods, provided that at least a six hour advance notice is given by calling the number posted at the bridge.

The waterway is transited by recreational vessels and commercial vessels. Coordination with waterway users has indicated no objections to the proposed closure of the draw. Vessels able to pass through the bridge in the closed position may do so at any time. There is no alternate route for vessels to pass, but the bridge will be able to open

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

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

Dated: April 2, 2018.

Christopher J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2018–07215 Filed 4–6–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900–AP13

Schedule for Rating Disabilities; Gynecological Conditions and Disorders of the Breast

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) Schedule for Rating Disabilities (VASRD) by revising the portion of the rating schedule that addresses gynecological conditions and disorders of the breast. The effect of this action is to ensure that this portion of the rating schedule uses current medical terminology and to provide detailed and updated criteria for evaluation of gynecological conditions and disorders of the breast.

DATES: *Effective Date:* This rule is effective on May 13, 2018.

FOR FURTHER INFORMATION CONTACT: Ioulia Vvedenskaya, M.D., M.B.A., Medical Officer, Part 4 VASRD Regulations Staff (211C), Compensation Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–9700. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: VA published a proposed rule in the **Federal Register** at 80 FR 10637 on February 27, 2015, to amend 38 CFR 4.116, the portion of the VASRD dealing with gynecological conditions and disorders of the breast. VA provided a 60-day public comment period and interested persons were invited to submit written comments on or before April 28, 2015. VA received 13 comments.

Several commenters expressed their support for the proposed rule and thanked VA for promoting gender equality in the rating schedule.

One commenter demanded compensation for his multiple debilitating health issues, which he attributed to exposure to toxic substances at Fort McClellan. He also urged VA to pass the Fort McClellan Health Registry Act, H.R. 411, 113th Cong. (2013). Several commenters stated their belief that their multiple medical conditions are due to exposure to toxic substances at Fort McClellan and asked to be considered for service connection. Another commenter provided information about his medical conditions, which he stated he developed after his reservist's training at Fort McClellan that involved chemical agent training. These comments focus on issues of service connection, rather than the appropriate rating for already service-connected disabilities, and individual claims for VA benefits, which are beyond the scope of this rulemaking. Regarding the commenter's request that VA ''pass'' the Fort McClellan Health Registry Act, VA notes that this act is a Congressional act and not before VA. This comment is also beyond the scope of this rulemaking. Therefore, VA makes no changes to the proposed rule based on these comments.

One commenter had a question about the proposed note to diagnostic code 7615 ''Ovary, disease, injury, or adhesions of'' asking if the note would create a narrow category for disability evaluation by identifying dysmenorrhea and secondary amenorrhea. The commenter's concern is not entirely clear. To the extent the commenter is asking whether VA considers dysmenorrhea and secondary amenorrhea disabilities for rating purposes, the note to diagnostic code 7615 provides that dysmenorrhea and secondary amenorrhea shall be rated under that diagnostic code. To the extent the commenter is asking whether identification of dysmenorrhea and secondary amenorrhea in the note limits the application of diagnostic code 7615 to those diseases, it does not. Dysmenorrhea and secondary amenorrhea are only examples of diseases that would be rated under diagnostic code 7615. Other impairments associated with disease, injury, or adhesions of the ovaries will continue to be rated under diagnostic code 7615. Therefore, VA makes no changes based on this comment.

One commenter wanted to include premature hysterectomy secondary to menorrhagia as an additional gynecological disability in the rating schedule. VA evaluates service-connected hysterectomy under diagnostic codes 7617 and 7618. The cause of the hysterectomy may be a factor in determining service connection, but is not important in evaluating the condition. Therefore, VA makes no changes based on this comment.

One commenter suggested adding a new diagnostic code or adjusting an existing code for infertility due to the loss or loss of use of other organs besides the uterus and ovaries, specifically fallopian tubes. The commenter asserted that, with respect to the uterus and ovaries, the minimum rating for a condition that causes infertility is 20 percent and that this rating does not take into account symptoms, only whether the organs are able to function reproductively. Therefore, the commenter asserts that any damage to any part of the female reproductive system that causes infertility should result in at least a 20 percent evaluation.

While tubal damage may be associated with infertility, infertility is not in itself a disability for VA rating purposes. It does not result in the loss of average earning capacity. *See* 38 CFR 4.1 (stating that the purpose of the rating schedule is to represent the average impairment in earning capacity resulting from diseases and injuries in civil occupations). Diagnostic code 7614, Fallopian tube, disease, injury, or adhesions of, provides disability ratings for functional impairment due to symptoms associated with fallopian tube damage. If loss or loss of use of a creative organ due to service-connected fallopian tube damage is present, VA will consider special monthly compensation under the provisions of 38 CFR 3.350(a). VA makes no changes based on this comment.

The same commenter proposes to add the diagnosis of repeated miscarriages to the list of presumptive conditions for female veterans who have been exposed to radiation, herbicides, or other environmental factors that could negatively impact the ability of a fetus to properly develop and carry to full term. The commenter also suggested VA provide for an award of special monthly compensation under the provisions of § 3.350(a) for repeated miscarriages of an unknown etiology while on active duty. Miscarriages themselves are not

disabilities for VA rating purposes, as they do not result in impairment of earning capacity. See 38 CFR 4.1. The proposed rating criteria provide for adequate ratings based on impairment in earning capacity due to service-connected damage to reproductive organs, which may include chronic residuals of medical or surgical complications of pregnancy incurred during service. Additionally, special monthly compensation may be warranted for loss or loss of use of a creative organ due to service-connected disability. *See* 38 CFR 3.350(a)(1). Updating the list of presumptive conditions for veterans who have been exposed to radiation, herbicides, or other environmental factors is beyond the scope of this rulemaking, which is about the rating of conditions which have been service connected, not about which diseases should be subject to presumptive service connection. Therefore, VA makes no changes based on these comments.

The same commenter asked how powerful a diagnosis of female sexual arousal disorder would be as supporting evidence for military sexual trauma (MST). This rulemaking concerns the rating schedule in part 4, specifically 38 CFR 4.116, and the evaluations that VA assigns for physiological impairment due to disorders of the gynecological system and disorders of the breasts. The evidentiary criteria for posttraumatic stress disorder are listed in 38 CFR 3.304(f). Further, mental disabilities due to MST are evaluated under the rating schedule for mental disorders in § 4.130. This comment is beyond the scope of this rulemaking. Therefore, VA makes no changes based on this comment.

One commenter was supportive of the overall changes and additions to this section of the rating schedule. However, the commenter expressed concern that the proposed rating criteria for diagnostic code 7621 do not adequately measure disability affecting multiple body systems. Specifically, the commenter stated that the proposed rule was unclear as to whether a veteran would obtain evaluations under other body systems for the complications of pelvic organ prolapse, or whether the mild, moderate, or severe rating under proposed amended diagnostic code 7621 is meant to encompass all symptoms due to one or multiple pelvic organ prolapses. The commenter stated that, if these manifestations in different body systems are meant to be compensated under diagnostic code 7621, there is great potential for undercompensating the veteran, as separate ratings under the genitourinary and digestive system may afford a higher combined evaluation. The commenter further questioned whether rating the manifestations separately would constitute ''pyramiding'' under 38 CFR 4.14.

The same commenter also indicated that the Pelvic Organ Prolapse Quantification (POP–Q) scoring system upon which proposed diagnostic code 7621 was based does not correlate with the severity of symptoms affecting multiple body systems. In addition, the same commenter suggested that VA add a note to diagnostic code 7621 to clarify that functional impairment of other body systems, including the urinary and the digestive systems, as a result of pelvic organ prolapse, shall be evaluated under the appropriate diagnostic codes.

Evaluations under proposed diagnostic code 7621 were intended to represent the average severity of symptoms, including gynecological, urinary, and digestive symptoms, and level of impairment as contemplated by the POP–Q system. Therefore, assigning separate ratings under proposed diagnostic code 7621 and the genitourinary or digestive systems would have violated pyramiding principles under 38 CFR 4.14 by allowing evaluations for urinary and/or digestive symptoms twice. *See Esteban* v. *Brown,* 6 Vet. App. 259, 261–262 (1994). VA acknowledges, however, that the average may not apply to all women and that two women with the same degree of prolapse (as measured by POP–Q) may experience different disabling effects based on their anatomical size. Therefore, in order to more accurately evaluate functional impairment and to ensure that the severity of the symptoms affecting multiple body systems are fully captured, VA amends the proposed rating criteria and the note under diagnostic code 7621 to include guidance on how to rate the residuals and complications of pelvic organ prolapse.

First, VA amends diagnostic code 7621 to provide a 10 percent disability rating in all cases of complete or incomplete pelvic organ prolapse due to injury, disease, or surgical complications of pregnancy. This minimum level of compensation recognizes the disabling effects of the alteration to a woman's normal anatomy, such as a feeling of vaginal fullness or heaviness or pressure in the pelvis, that are not generally included in the compensable levels of disability in other body systems. The higher disability ratings in originally proposed diagnostic code 7621 took into consideration genitourinary, digestive, and skin symptoms, which will now be evaluated separately as described in the revised note to diagnostic code 7621.

Second, VA agrees with the commenter that information should be added to the proposed note under diagnostic code 7621 to clarify how rating personnel should evaluate urinary and digestive symptoms associated with pelvic organ prolapse. Specifically, VA is adding information to the note under diagnostic code 7621 to clarify that rating personnel should separately evaluate any genitourinary, digestive, or skin symptoms under the appropriate diagnostic code(s) and combine all evaluations with the 10 percent evaluation under diagnostic code 7621. With this clarification, VA ensures that women with pelvic organ prolapse will receive adequate levels of compensation based on the functional impairment associated with their prolapse, regardless of any anatomical differences. The discussion by the commenter identified another potential approach of considering the greater evaluation under either proposed diagnostic code 7621 or the appropriate system. Under that approach, however, a veteran whose evaluation was based on a diagnostic code under a different body system would not be compensated for the disabling effects of prolapse specific to the gynecological system. The revised rule ensures that the disabling effects associated with multiple body systems are fully captured.

The same commenter also suggested VA amend VA Form 21–0960K–2, Gynecological Conditions Disability Benefits Questionnaire (DBQ) to add questions regarding the effects of any diagnosed gynecological condition on the digestive system and consideration of whether the veteran has loss of use of a creative organ. The commenter noted that the DBQ already asks the examiner to comment on whether the gynecological conditions impact the genitourinary system. Currently, VA Form 21–0960K–2 asks an examiner to report any complications resulting from obstetrical or gynecological conditions or procedures. Additionally, VA Form 21–0960K–2 asks the examiner if the veteran has any other pertinent findings, complications, conditions, signs and/or symptoms related to any conditions listed in the diagnosis section of the form. Therefore, VA has an adequate mechanism to capture each and every condition related to the effects of any diagnosed gynecological condition, including the digestive system and loss of use of a creative organ. VA also notes that all affected DBQs will be updated upon issuance of this final rule and will

adhere to the same principles of recording pertinent findings. Therefore, VA makes no changes based on these comments.

Lastly, the same commenter suggested VA add a separate diagnostic code in § 4.116 for loss of coital function due to removal of the vagina by colpectomy and a note to consider special monthly compensation under 38 CFR 3.350(a) to increase rating consistency. VA appreciates this comment, but notes that the VASRD, in accordance with 38 CFR 4.1, is ''a guide in the evaluation of disability'' in terms of occupational impairment and is not an exhaustive list of all potential diseases or conditions. This is further reinforced by 38 CFR 4.20, which specifically provides for analogous evaluations for unlisted conditions according to closely related diseases or injuries based on function affected, anatomical location, and symptomatology.

Colpectomy, also known as vaginectomy, is a surgical procedure that obliterates the vaginal canal in order to alleviate the symptoms of advanced pelvic organ prolapse or to treat gynecological malignancies. Such obliterative procedure is reserved for women who are not candidates for more extensive surgery or do not plan future vaginal intercourse. Colpectomy is generally deemed appropriate for elderly patients with medical comorbidities or for patients with previous failed prolapse surgery or pessary trials who are not sexually active. Evans, J., Karram, M., ''Step by step: Obliterating the vaginal canal to correct pelvic organ prolapse,'' OBG Manag. 2012 February;24(2):30–41 *https://www.mdedge.com/sites/default/files/Document/September-2017/0212_OBGM_Karram.pdf.* Colpectomy in younger patients is performed to treat advanced vaginal and/or uterine cancer. In cases of uterine cancer, colpectomy is used exclusively in conjunction with total abdominal hysterectomy. In cases of vaginal cancer, vaginectomy may be partial, subtotal, or total, depending on the extent of the disease. Vaginal reconstruction is offered in order to preserve coital function. Bardavil, T. et al., ''Vaginal Cancer'' (updated Jan. 11, 2015), Medscape, *https://emedicine.medscape.com/article/269188-overview#a23* (last accessed March 8, 2018). Partial vaginectomy is not associated with the loss of coital function.

Accordingly, the vast majority of colpectomy procedures involve associated partial or complete hysterectomy, currently addressed in diagnostic code 7618 and a new, separate diagnostic code for colpectomy is unnecessary; functional impairment due to the colpectomy/total vaginectomy is adequately addressed under diagnostic code 7618 for partial and/or total hysterectomy. In rare cases, colpectomy is performed without any form of hysterectomy; VA will evaluate these circumstances analogously to diagnostic code 7618, and, in the absence of functional impairment or other findings, apply the provisions of 38 CFR 4.31 to establish service connection at a noncompensable rate. This approach provides VA with adequate criteria to evaluate functional impairment associated with colpectomy, with or without hysterectomy, and to establish service connection for a disability for purposes of an award of special monthly compensation under 38 CFR 3.350(a). We note that while vaginal damage due to colpectomy may be associated with loss of coital function, coital function is not in itself a disability for VA rating purposes. It does not result in the loss of earning capacity. See 38 CFR 4.1.

Entitlement to special monthly compensation for anatomical loss or loss of use of a creative organ may not be awarded more than once per creative organ. In the case of colpectomy with loss of coital function, the presence or absence of partial/total hysterectomy does not entitle a female veteran to additional awards of special monthly compensation based on further anatomical loss of a creative organ; in either scenario the veteran has met the statutory criteria for anatomical loss or loss of use of the female creative organ with varying degrees of functional disability associated with the loss/loss of use. Accordingly, establishing a separate diagnostic code for colpectomy would not create entitlement to additional special monthly compensation under 38 CFR 3.350. For these reasons, VA makes no changes based on these comments at this time.

One commenter was supportive of the proposed addition of the new diagnostic code 7632, Female sexual arousal disorder (FSAD). The commenter noted that the title used, ''Female sexual arousal disorder,'' is not the current medical term used in The Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM–5). In DSM–5, gender-specific sexual dysfunctions have been added, and, for females, sexual desire and arousal disorders have been combined into one disorder: Female Sexual Interest/Arousal Disorder.

VA's proposed diagnostic code 7632 differs from the DSM–5 diagnosis because it only addresses the physiologic form of FSAD, which is caused in part by decreased blood flow to the genital area and peripheral nerve damage due to micro trauma or disease process. This form of FSAD does not include the psychological features of Female Sexual Interest/Arousal Disorder outlined in DSM–5 such as lack of, or significantly reduced, sexual interest or desire. If an individual is diagnosed with Female Sexual Interest/Arousal Disorder as outlined in DSM–5 that is service connected, she will be rated under the appropriate diagnostic code under 38 CFR 4.130, which pertains to mental disorders. Furthermore, if her disability picture includes FSAD, defined as the continual or recurrent inability to accomplish or maintain an ample lubrication-swelling reaction during sexual intercourse, then separate compensation under diagnostic code 7632 would be appropriate. Therefore, VA makes no changes based on this comment.

VA appreciates the comments submitted in response to the proposed rule. Based on the rationale stated in the proposed rule and in this document, the proposed rule is adopted as a final rule with the changes noted above. Additionally, VA notes that it is making a technical correction to its proposed changes to Appendix B to Part 4—Numerical Index of Disabilities. Specifically, VA inadvertently left out instructions to delete references to diagnostic codes 7622 and 7623 which, as discussed in the proposed rule, are being removed.

Effective Date of Final Rule

Veterans Benefits Administration (VBA) personnel utilize the Veterans Benefit Management System for Rating (VBMS–R) to process disability compensation claims that involve disability evaluations made under the VASRD. In order to ensure that there is no delay in processing veterans' claims, VA must coordinate the effective date of this final rule with corresponding VBMS–R system updates. As such, this final rule will apply effective May 13, 2018, the date VBMS–R system updates related to this final rule will be complete.

Executive Orders 12866, 13563, and 13771

Executive Orders 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).

Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action,'' which requires review by the Office of Management and Budget (OMB), 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 Executive Order 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 FYTD. This rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866.

Regulatory Flexibility Act

The Secretary hereby certifies that this final 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. This final rule will not affect any small entities. Only certain VA beneficiaries could be directly affected. 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.

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 final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Paperwork Reduction Act

This final rule contains provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). Specifically, this final rule is associated with information collections related to the filing of disability benefits claims (VA Form 21–526EZ) as well as Disability Benefits Questionnaires (DBQs) which enable a claimant to gather the necessary information from his or her treating physician as to the current symptoms and severity of a disability (VA Forms 21–0960K–1, Breast Conditions and Disorders DBQ, and 21–0960K–2, Gynecological Conditions DBQ). Both information collections are currently approved by the Office of Management and Budget (OMB) and have been assigned OMB control numbers 2900–0747 and 2900–0778, respectively. VA has reviewed the impact of this final rule on these information collections and determined that the information collection burden is de minimis.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program numbers and titles for this rule are 64.009, Veterans Medical Care Benefits; 64.104, Pension for Non-Service-Connected Disability for Veterans; 64.109, Veterans Compensation for Service-Connected Disability; and 64.110, Veterans Dependency and Indemnity Compensation for Service-Connected Death.

List of Subjects in 38 CFR Part 4

Disability benefits, Pensions, 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. 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.

For the reasons set out in the preamble, VA amends 38 CFR part 4 as follows:

PART 4—SCHEDULE FOR RATING DISABILITIES

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

Authority: 38 U.S.C. 1155, unless otherwise noted.

Subpart B—Disability Ratings

■ 2. Amend § 4.116 as follows:

■ a. Revise the entry for diagnostic code 7610;

■ b. Add a note at the end of the entries for diagnostic codes 7615 and 7619;

■ c. Revise the entry for diagnostic code 7621;

■ d. Remove the entries for diagnostic codes 7622 and 7623;

■ e. Revise the entries for diagnostic codes 7627 and 7628;

■ f. Add entries for diagnostic codes 7630 through 7632 in numerical order; and

■ g. Add an authority citation at the end of the section.

The revisions and additions read as follows:

§ 4.116 Schedule of ratings—gynecological conditions and disorders of the breast.

	Rating
* * * * * * *	
7610 Vulva or clitoris, disease or injury of (including vulvovaginitis)	
* * * * * * *	
7615 * * *	

	Rating
Note: For the purpose of VA disability evaluation, a disease, injury, or adhesions of the ovaries resulting in ovarian dysfunction affecting the menstrual cycle, such as dysmenorrhea and secondary amenorrhea, shall be rated under diagnostic code 7615	
* * * * * * *	
7619 * * *	
Note: In cases of the removal of one ovary as the result of a service-connected injury or disease, with the absence or nonfunctioning of a second ovary unrelated to service, an evaluation of 30 percent will be assigned for the service-connected ovarian loss	
* * * * * * *	
7621 Complete or incomplete pelvic organ prolapse due to injury, disease, or surgical complications of pregnancy	10
Note: Pelvic organ prolapse occurs when a pelvic organ such as bladder, urethra, uterus, vagina, small bowel, or rectum drops (prolapse) from its normal place in the abdomen. Conditions associated with pelvic organ prolapse include: uterine or vaginal vault prolapse, cystocele, urethrocele, rectocele, enterocele, or any combination thereof. Evaluate pelvic organ prolapse under DC 7621. Evaluate separately any genitourinary, digestive, or skin symptoms under the appropriate diagnostic code(s) and combine all evaluations with the 10 percent evaluation under DC 7621	
* * * * * * *	
7627 Malignant neoplasms of gynecological system	100
Note: A rating of 100 percent shall continue beyond the cessation of any surgical, radiation, antineoplastic chemotherapy or other therapeutic procedures. Six months after discontinuance of such treatment, the appropriate disability rating shall be determined by mandatory VA examination. Any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of § 3.105(e) of this chapter. Rate chronic residuals to include scars, lymphedema, disfigurement, and/or other impairment of function under the appropriate diagnostic code(s) within the appropriate body system	
7628 Benign neoplasms of gynecological system. Rate chronic residuals to include scars, lymphedema, disfigurement, and/or other impairment of function under the appropriate diagnostic code(s) within the appropriate body system	
* * * * * * *	
7630 Malignant neoplasms of the breast	100
Note: A rating of 100 percent shall continue beyond the cessation of any surgical, radiation, antineoplastic chemotherapy or other therapeutic procedure. Six months after discontinuance of such treatment, the appropriate disability rating shall be determined by mandatory VA examination. Any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of § 3.105(e) of this chapter. Rate chronic residuals according to impairment of function due to scars, lymphedema, or disfigurement (e.g., limitation of arm, shoulder, and wrist motion, or loss of grip strength, or loss of sensation, or residuals from harvesting of muscles for reconstructive purposes), and/or under diagnostic code 7626	
7631 Benign neoplasms of the breast and other injuries of the breast. Rate chronic residuals according to impairment of function due to scars, lymphedema, or disfigurement (e.g., limitation of arm, shoulder, and wrist motion, or loss of grip strength, or loss of sensation, or residuals from harvesting of muscles for reconstructive purposes), and/or under diagnostic code 7626	
7632 Female sexual arousal disorder (FSAD)	[1] 0

[1] Review for entitlement to special monthly compensation under § 3.350 of this chapter.

(Authority: 38 U.S.C. 1155)

■ 3. Amend appendix A to part 4 by:

■ a. Revising the entries for diagnostic codes 7610, 7615, 7619, 7621, 7622, 7623, 7627, and 7628; and

■ b. Adding, in numerical order, entries for diagnostic codes 7630 through 7632.

The revisions and additions read as follows:

Appendix A to Part 4—Table of Amendments and Effective Dates Since 1946

Sec.	Diagnostic code No.	
*	*	* * * * * *
	7610	Criterion May 22, 1995; title May 13, 2018.
*	*	* * * * * *
	7615	Criterion May 22, 1995; note May 13, 2018.
*	*	* * * * * *
	7619	Criterion May 22, 1995; note May 13, 2018.
*	*	* * * * * *
	7621	Criterion May 22, 1995; evaluation May 13, 2018.
	7622	Removed May 13, 2018.
	7623	Removed May 13, 2018.
*	*	* * * * * *
	7627	Criterion March 10, 1976; criterion May 22, 1995; title, note May 13, 2018.
	7628	Added May 22, 1995; title, criterion May 13, 2018.

Sec.	Diagnostic code No.	
*	*	*
	7630	Added May 13, 2018.
	7631	Added May 13, 2018.
	7632	Added May 13, 2018.
*	*	*

■ 4. Amend appendix B to part 4 by:

■ a. Revising the entries for diagnostic codes 7610 and 7621;

■ b. Removing the entries for diagnostic codes 7622 and 7623;

■ c. Revising the entries for diagnostic codes 7627 and 7628; and

■ d. Adding, in numerical order, entries for diagnostic codes 7630 through 7632.

The revisions and additions read as follows:

Appendix B to Part 4—Numerical Index of Disabilities

Diagnostic code No.	
*	*
Gynecological Conditions and Disorders of the Breast	
7610	Vulva or clitoris, disease or injury of (including vulvovaginitis).
*	*
7621	Complete or incomplete pelvic organ prolapse due to injury or disease or surgical complications of pregnancy.
*	*
7627	Malignant neoplasms of gynecological system.
7628	Benign neoplasms of gynecological system.
*	*
7630	Malignant neoplasms of the breast.
7631	Benign neoplasms of the breast and other injuries of the breast.
7632	Female sexual arousal disorder (FSAD).
*	*

■ 5. Amend appendix C to part 4 as follows:

■ a. Add in alphabetical order an entry for ''Complete or incomplete pelvic organ prolapse due to injury or disease or surgical complications of pregnancy, including uterine or vaginal vault prolapse, cystocele, urethrocele, rectocele, enterocele, or combination''.

■ b. Add in alphabetical order an entry for ''Female sexual arousal disorder (FSAD)''.

■ c. Under the heading ''Injury,'' add in alphabetical order an entry for ''Breast''.

■ d. Under the heading ''Neoplasms: Benign:'':

■ i. Add in alphabetical order an entry for ''Breast''.

■ ii. Remove ''Gynecological or breast'' and in its place add ''Gynecological''.

■ e. Under the heading ''Neoplasms: Malignant:'':

■ i. Add in alphabetical order an entry for ''Breast''.

■ ii. Remove ''Gynecological or breast'' and in its place add ''Gynecological''.

■ f. Remove the entry ''Pregnancy, surgical complications''.

■ g. Under the heading ''Uterus,'' remove the entry ''Displacement''.

■ h. Remove ''Vulva disease or injury of'' and add in its place ''Vulva or clitoris, disease or injury of''.

The additions and revisions read as follows:

Appendix C to Part 4—Alphabetical Index of Disabilities

	Diagnostic code No.
*	*
Complete or incomplete pelvic organ prolapse due to injury or disease or surgical complications of pregnancy, including uterine or vaginal vault prolapse, cystocele, urethrocele, rectocele, enterocele, or combination	7621
*	*
Female sexual arousal disorder (FSAD)	7632
*	*
Injury:	

	Diagnostic code No.
* * * * * * *	
Breast	7631
* * * * * * *	
Neoplasms:	
Benign:	
Breast	7631
* * * * * * *	
Malignant:	
Breast	7630
* * * * * * *	

[FR Doc. 2018–07081 Filed 4–6–18; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2015–0105; FRL–9976–48–Region 7]

Approval and Promulgation of Air Quality Implementation Plans; Missouri; Update to Materials Incorporated by Reference; Correcting Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendments.

SUMMARY: The Environmental Protection Agency (EPA), in a final rule action published in the **Federal Register** on August 6, 2015, erroneously approved and codified previously removed entries; erroneously omitted the addition of previously approved entries; and erroneously published codification of previously revised entries. This technical amendment corrects the erroneous entries.

DATES: This rule is effective on April 9, 2018.

FOR FURTHER INFORMATION CONTACT: Jan Simpson at (913) 551–7089, or by email at *simpson.jan@epa.gov.*

SUPPLEMENTARY INFORMATION: The August 6, 2015 (80 FR 46804), **Federal Register** final rule and notice of administrative change inadvertently and erroneously approved and codified previously removed Missouri regulations; omitted the addition of a previously approved regulation; and erroneously published incorrect state effective dates and citation information for previously approved entries.

On October 21, 2014 (79 FR 62844), in a direct final rule, EPA approved a revision to ''10–6.400''. The state effective date is 6/27/13.

On March 3, 2015 (80 FR 11323), in a final rule, EPA approved a revision to remove the chapter titled ''Missouri Department of Public Safety, Division 50-State Highway Patrol, Chapter 2—Motor Vehicle Inspection'' and its entries for ''50–2.010 through 50–2.420''. This final rule also approved the addition of ''10–5.381''.

On March 4, 2015 (80 FR 11577), EPA approved in a direct final rule a revision to remove the entry for ''10–5.240'' and approved revisions to Missouri regulations ''10–6.010'', ''10–6.020'' and ''10–6.040''. The state effective date of ''10–6.010'' is 7/30/14; the state effective date of ''10–6.020'' is 3/30/14; and the state effective date of ''10–6.040'' is 11/30/14.

Therefore, we are correcting the EPA's regulations to remove ''10–5.240''; add ''10–5.381''; remove the chapter titled ''Missouri Department of Public Safety, Division 50-State Highway Patrol, Chapter 2—Motor Vehicle Inspection'' and its entries for ''50–2.010 through 50–2.420''; and revise ''10–6.010'', ''10–6.020'' and ''10–6.040'' to reflect the most currently approved dates and citations.

List of Subjects in 40 CFR Part 52

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

Dated: March 27, 2018.

Karen A. Flournoy,

Acting Regional Administrator, Region 7.

Accordingly, EPA amends 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart AA—Missouri

■ 2. Amend § 52.1320(c) by:

■ a. Removing the entry for ''10–5.240'';

■ b. Adding the entry for ''10–5.381'' in numerical order;

■ c. Revising entries ''10–6.010'', ''10–6.020'', ''10–6.040'', and ''10–6.400''; and

■ d. Removing the heading ''Missouri Department of Public Safety, Division 50-State Highway Patrol, Chapter 2—Motor Vehicle Inspection'' and the entries ''50–2.010'' through ''50–2.420''.

The addition and revisions read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 5—Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area				
*	*	*	*	*
10–5.381	On-Board Diagnostics Motor Vehicle Emissions Inspection.	12/30/2012	3/3/2015, 80 FR 11323	
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
10–6.010	Ambient Air Quality Standards.	7/30/2014	3/4/2015, 80 FR 11577	Hydrogen Sulfide and Sulfuric Acid state standards are not SIP approved.
10–6.020	Definitions and Common Reference Tables.	3/30/2014	3/4/2015, 80 FR 11577	Many of the definitions pertain to Title V, 111(d) and asbestos programs and are approved in the SIP because they provide overall consistency in the use of terms in the air program. Similarly, the EPA has also approved this rule as part of the Title V program, and 111(d) even though many of the definitions pertain only to the SIP.
*	*	*	*	*
10–6.040	Reference Methods	11/30/2014	3/4/2015, 80 FR 11577.	
*	*	*	*	*
10–6.400	Restriction of Emission of Particulate Matter From Industrial Processes.	6/27/2013	10/21/2014, 79 FR 62844.	
*	*	*	*	*

* * * * *

[FR Doc. 2018–07216 Filed 4–6–18; 8:45 am]

BILLING CODE 6560–50–P

SURFACE TRANSPORTATION BOARD

49 CFR Parts 1001, 1003, 1004, 1005, 1007, 1011, 1012, 1013, 1016, 1018, 1019, 1033, 1034, 1035, 1037, 1090, 1100, 1101, 1103, 1104, 1105, 1106, 1108, 1110, 1112, 1113, 1114, 1116, 1117, 1119, 1120, 1132, 1133, 1135, 1141, 1144, 1146, 1147, 1150, 1152, 1155, 1177, 1180, 1182, 1184, 1185, 1200, 1220, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1253, 1305, 1310, 1312, 1313, 1319, 1331, and 1333

[Docket No. EP 746]

Updating the Code of Federal Regulations

AGENCY: Surface Transportation Board.

ACTION: Final rules.

SUMMARY: The Surface Transportation Board (Board) is updating its regulations to reflect certain statutory changes enacted in the Surface Transportation Board Reauthorization Act of 2015 and to replace certain obsolete or incorrect references in the regulations.

DATES: This rule is effective May 2, 2018.

FOR FURTHER INFORMATION CONTACT: Sarah Fancher: (202) 245–0355. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.

SUPPLEMENTARY INFORMATION: In this decision, the Board is revising, correcting, and updating its regulations in 49 CFR ch. X. Some of these revisions are necessitated by changes made by the Surface Transportation Board Reauthorization Act of 2015, Public Law 114–110, 129 Stat. 2228 (2015) (STB Reauthorization Act).

This decision makes the following changes to the Board's regulations:

- Eliminates or changes obsolete agency and/or office titles (*e.g.,* 49 CFR 1105.7(b), 1152.50(d)(1)(ii));
- corrects obsolete contact information (*e.g.,* 49 CFR 1180.4(c)(5)(ii), 1182.3);
- corrects references to United States Code or Code of Federal Regulations sections that have been moved [1] or are otherwise incorrect (*e.g.,* 49 CFR 1244.9(d)(2), 1103.3(c)(2));
- revises URL references to reflect the Board's new website [2] (*e.g.,* 49 CFR 1001.1(d));
- revises the Board's regulations to reflect that the STB Reauthorization Act sec. 4 expanded the Board from three members to five members (49 CFR 1011.3); and
- corrects an omitted subheading (49 CFR pt. 1248).

[1] The STB Reauthorization Act revised parts of the United States Code, including re-designating Chapter 7 of Title 49 of the Code as Chapter 13. STB Reauthorization Act sec. 3.

[2] As a result of the STB Reauthorization Act, the Board is no longer administratively housed in the Department of Transportation; therefore, the Board changed its website from ''*www.stb.dot.gov*'' to ''*www.stb.gov.*''

Because these revisions are not substantive and/or relate to rules of agency organization, procedure, or practice, the Board finds good cause that notice and comment under the Administrative Procedure Act (APA) are unnecessary. 5 U.S.C. 553(b)(3)(A) & (B).

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601–612, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because the Board has determined that notice and comment are not required under the APA for this rulemaking, the requirements of the RFA do not apply.

These final rules do not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521.

List of Subjects

49 CFR Part 1001

Administrative practice and procedure, Confidential business information, Freedom of information.

49 CFR Part 1003

Common carriers, Reporting and recordkeeping requirements.

49 CFR Part 1004

Administrative practice and procedure, Motor carriers.

49 CFR Part 1005

Claims, Freight, Investigations, Maritime carriers, Motor carriers, Railroads.

49 CFR Part 1007

Privacy.

49 CFR Part 1011

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies).

49 CFR Part 1012

Sunshine Act.

49 CFR Part 1013

Common carriers, Reporting and recordkeeping requirements, Securities, Trusts and trustees.

49 CFR Part 1016

Claims, Equal access to justice, Lawyers.

49 CFR Part 1018

Claims, Income taxes.

49 CFR Part 1019

Conflict of interests.

49 CFR Part 1033

Railroads.

49 CFR Part 1034

Railroads.

49 CFR Part 1035

Maritime carriers, Railroads.

49 CFR Part 1037

Claims, Grains, Railroads.

49 CFR Part 1090

Freight, Intermodal transportation, Maritime carriers, Motor carriers, Railroads.

49 CFR Part 1100

Administrative practice and procedure.

49 CFR Part 1101

Administrative practice and procedure.

49 CFR Part 1103

Administrative practice and procedure, Lawyers.

49 CFR Part 1104

Administrative practice and procedure.

49 CFR Part 1105

Environmental impact statements, Reporting and recordkeeping requirements.

49 CFR Part 1106

Administrative practice and procedure, Federal Railroad Administration, Railroad safety.

49 CFR Part 1108

Administrative practice and procedure, Railroads.

49 CFR Part 1110

Administrative practice and procedure.

49 CFR Part 1112

Administrative practice and procedure.

49 CFR Part 1113

Administrative practice and procedure.

49 CFR Part 1114

Administrative practice and procedure.

49 CFR Part 1116

Administrative practice and procedure.

49 CFR Part 1117

Administrative practice and procedure.

49 CFR Part 1119

Administrative practice and procedure.

49 CFR Part 1120

Freight, Motor carriers, Uniform System of Accounts.

49 CFR Part 1132

Administrative practice and procedure.

49 CFR Part 1133

Claims, Freight.

49 CFR Part 1135

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

49 CFR Part 1141

Administrative practice and procedure.

49 CFR Part 1144

Railroads.

49 CFR Part 1146

Railroads.

49 CFR Part 1147

Railroads.

49 CFR Part 1150

Administrative practice and procedure, Railroads.

49 CFR Part 1152

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements, Uniform System of Accounts.

49 CFR Part 1155

Administrative practice and procedure, Railroads, Waste treatment and disposal.

49 CFR Part 1177

Administrative practice and procedure, Archives and records, Maritime carriers, Railroads.

49 CFR Part 1180

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

49 CFR Part 1182

Administrative practice and procedure, Motor carriers.

49 CFR Part 1184

Administrative practice and procedure, Motor carriers.

49 CFR Part 1185

Administrative practice and procedure, Antitrust, Railroads.

49 CFR Part 1200

Freight forwarders, Maritime carriers, Motor carriers, Railroads, Uniform System of Accounts.

49 CFR Part 1220

Freight forwarders, Maritime carriers, Motor carriers, Moving of household goods, Railroads, Reporting and recordkeeping requirements.

49 CFR Part 1242

Railroads, Taxes.

49 CFR Part 1243

Railroads, Reporting and recordkeeping requirements.

49 CFR Part 1244

Freight, Railroads, Reporting and recordkeeping requirements.

49 CFR Part 1245

Railroad employees, Reporting and recordkeeping requirements, Wages.

49 CFR Part 1246

Railroad employees, Reporting and recordkeeping requirements.

49 CFR Part 1247

Freight, Railroads, Reporting and recordkeeping requirements.

49 CFR Part 1248

Freight, Railroads, Reporting and recordkeeping requirements, Statistics.

49 CFR Part 1253

Freight forwarders, Maritime carriers, Motor carriers, Pipelines, Railroads, Reporting and recordkeeping requirements.

49 CFR Part 1305

Pipelines, Reporting and recordkeeping requirements.

49 CFR Part 1310

Freight forwarders, Motor carriers, Moving of household goods.

49 CFR Part 1312

Freight forwarders, Maritime carriers, Motor carriers, Moving of household goods, Pipelines, Railroads.

49 CFR Part 1313

Administrative practice and procedure, Agricultural commodities, Forests and forest products, Railroads.

49 CFR Part 1319

Freight forwarders.

49 CFR Part 1331

Buses, Freight forwarders, Maritime carriers, Motor carriers, Moving of household goods, Pipelines, Railroads.

49 CFR Part 1333

Penalties, Railroads.

It is ordered:

1. The rule modifications set forth below are adopted as final rules.

2. This decision is effective May 2, 2018.

Decided: March 27, 2018.

By the Board, Board Members Begeman and Miller.

Kenyatta Clay,

Clearance Clerk.

For the reasons set forth in the preamble, under the authority of 49 U.S.C. 1321, title 49, chapter X, parts 1001, 1003, 1004, 1005, 1007, 1011, 1012, 1013, 1016, 1018, 1019, 1033, 1034, 1035, 1037, 1090, 1100, 1101, 1103, 1104, 1105, 1106, 1108, 1110, 1112, 1113, 1114, 1116, 1117, 1119, 1120, 1132, 1133, 1135, 1141, 1144, 1146, 1147, 1150, 1152, 1155, 1177, 1180, 1182, 1184, 1185, 1200, 1220, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1253, 1305, 1310, 1312, 1313, 1319, 1331, and 1333 of the Code of Federal Regulations are amended as follows:

PART 1001—INSPECTION OF RECORDS

■ 1. The authority citation for part 1001 continues to read as follows:

Authority: 5 U.S.C. 552; 49 U.S.C. 1302, and 49 U.S.C. 1321.

§ 1001.1 [Amended]

■ 2. In § 1001.1 (d), remove ''*www.stb.dot.gov*'' and add in its place ''*www.stb.gov*''.

PART 1003—FORMS

■ 3. Revise the authority citation for part 1003 to read as follows:

Authority: 49 U.S.C. 1321, 13301(f).

PART 1004—INTERPRETATIONS AND ROUTING REGULATIONS

■ 4. Revise the authority citation for part 1004 to read as follows:

Authority: 49 U.S.C. 1321.

PART 1005—PRINCIPLES AND PRACTICES FOR THE INVESTIGATION AND VOLUNTARY DISPOSITION OF LOSS AND DAMAGE CLAIMS AND PROCESSING SALVAGE

■ 5. Revise the authority citation for part 1005 to read as follows:

Authority: 49 U.S.C. 1321, 11706, 14706, 15906.

PART 1007—RECORDS CONTAINING INFORMATION ABOUT INDIVIDUALS

■ 6. Revise the authority citation for part 1007 to read as follows:

Authority: 5 U.S.C. 552, 49 U.S.C. 1321.

PART 1011—BOARD ORGANIZATION; DELEGATIONS OF AUTHORITY

■ 7. Revise the authority citation for part 1011 to read as follows:

Authority: 5 U.S.C. 553; 31 U.S.C. 9701; 49 U.S.C. 1301, 1321, 11123, 11124, 11144, 14122, and 15722.

■ 8. Amend § 1011.3 as follows:

■ a. Revise the section heading.

■ b. In paragraph (a)(1):

■ i. Remove the citation to ''49 U.S.C. 701(c)(1)'' and add in its place ''49 U.S.C. 1301(c)(1)''.

■ ii. Remove the citation to ''49 U.S.C. 701(c)(2)'' and add in its place ''49 U.S.C. 1301(c)(2)''.

■ c. Revise paragraph (a)(3).

The revisions read as follows:

§ 1011.3 The Chairman, Vice Chairman, and Board Members.

(a) * * *

(3) In the Chairman's absence, the Vice Chairman is acting Chairman, and has the authority and responsibilities of the Chairman. In the Vice Chairman's absence, the Chairman, if present, has the authority and responsibilities of the Vice Chairman. In the absence of both the Chairman and the Vice Chairman, the Board may temporarily designate one of its members to act as Chairman and to have the authority and responsibilities of the Chairman and Vice Chairman.

* * * * *

§ 1011.7 [Amended]

■ 9. In § 1011.7 (a)(2)(ix), remove the reference to ''Section of Environmental Analysis'' and add in its place ''Office of Environmental Analysis''.

PART 1012—MEETINGS OF THE BOARD

■ 10. Revise the authority citation for part 1012 to read as follows:

Authority: 5 U.S.C. 552b(g), 49 U.S.C. 1301, 1321.

PART 1013—GUIDELINES FOR THE PROPER USE OF VOTING TRUSTS

■ 11. Revise the authority citation for part 1013 to read as follows:

Authority: 49 U.S.C. 1321, 13301(f).

PART 1016—SPECIAL PROCEDURES GOVERNING THE RECOVERY OF EXPENSES BY PARTIES TO BOARD ADJUDICATORY PROCEEDINGS

■ 12. Revise the authority citation for part 1016 to read as follows:

Authority: 5 U.S.C. 504(c)(1), 49 U.S.C. 1321.

PART 1018—DEBT COLLECTION

■ 13. Revise the authority citation for part 1018 to read as follows:

Authority: 31 U.S.C. 3701, 31 U.S.C. 3711 *et seq.,* 49 U.S.C. 1321, 31 CFR parts 900–904.

PART 1019—REGULATIONS GOVERNING CONDUCT OF SURFACE TRANSPORTATION BOARD EMPLOYEES

■ 14. Revise the authority citation for part 1019 to read as follows:

Authority: 49 U.S.C. 1321.

PART 1033—CAR SERVICE

■ 15. Revise the authority citation for part 1033 to read as follows:

Authority: 49 U.S.C. 1321, 11121, 11122.

PART 1034—ROUTING OF TRAFFIC

■ 16. Revise the authority citation for part 1034 to read as follows:

Authority: 49 U.S.C. 1321, 11123.

PART 1035—BILLS OF LADING

■ 17. Revise the authority citation for part 1035 to read as follows:

Authority: 49 U.S.C. 1321, 11706, 14706.

PART 1037—BULK GRAIN AND GRAIN PRODUCTS—LOSS AND DAMAGE CLAIMS

■ 18. Revise the authority citation for part 1037 to read as follows:

Authority: 49 U.S.C. 1321.

PART 1090—PRACTICES OF CARRIERS INVOLVED IN THE INTERMODAL MOVEMENT OF CONTAINERIZED FREIGHT

■ 19. Revise the authority citation for part 1090 to read as follows:

Authority: 49 U.S.C. 1321.

PART 1100—GENERAL PROVISIONS

■ 20. Revise the authority citation for part 1100 to read as follows:

Authority: 49 U.S.C. 1321.

PART 1101—DEFINITIONS AND CONSTRUCTION

■ 21. Revise the authority citation for part 1101 to read as follows:

Authority: 49 U.S.C. 1321.

PART 1103—PRACTITIONERS

■ 22. Revise the authority citation for part 1103 to read as follows:

Authority: 21 U.S.C. 862; 49 U.S.C. 1303(c), 1321.

§ 1103.3 [Amended]

■ 23. In § 1103.3(c)(2), remove ''21 U.S.C. 853a'' and add in its place ''21 U.S.C. 862''.

PART 1104—FILING WITH THE BOARD—COPIES—VERIFICATION—SERVICE—PLEADINGS, GENERALLY

■ 24. The authority citation for part 1104 continues to read as follows:

Authority: 5 U.S.C. 553 and 559; 18 U.S.C. 1621; and 49 U.S.C. 1321.

§ 1104.1 [Amended]

■ 25. In § 1104.1(e), remove ''*http://www.stb.dot.gov*'' and add in its place ''*www.stb.gov*''.

PART 1105—PROCEDURES FOR IMPLEMENTATION OF ENVIRONMENTAL LAWS

■ 26. Revise the authority citation for part 1105 to read as follows:

Authority: 16 U.S.C. 1456, and 1536; 42 U.S.C. 4332 and 6362(b); 49 U.S.C. 1301 note (1995) (Savings Provisions), 1321(a), 10502, and 10903–10905; 54 U.S.C. 306108.

■ 27. In § 1105.7(b), revise the concluding sentence to read as follows:

§ 1105.7 Environmental reports.

* * * * *

(b) * * *

For information regarding the names and addresses of the agencies to be contacted, interested parties may contact the Board's Office of Environmental Analysis.

* * * * *

§ 1105.10 [Amended]

■ 28. In § 1105.10:

■ a. In paragraph (a)(1), remove the reference to ''Section of Environmental Analysis'' and add in its place ''Office of Environmental Analysis (OEA)''.

■ b. In paragraph (a)(3), remove the reference to ''the Section of Environmental Analysis'' and add in its place ''OEA''.

■ c. In paragraph (b), remove the reference to ''the Section of Environmental Analysis'' and add in its place ''OEA''.

■ d. In paragraph (g), remove the reference to ''SEA'' and add in its place ''OEA''.

§ 1105.11 [Amended]

■ 29. In the appendix to § 1105.11, remove the reference to ''SEA'' and add in its place ''OEA''.

§ 1105.12 [Amended]

■ 30. In the appendix to § 1105.12, in the Sample Local Newspaper Notice for Petitions for Abandonment Exemptions, remove the reference to ''SEA'' wherever it appears and add in its place ''OEA''.

PART 1106—PROCEDURES FOR SURFACE TRANSPORTATION BOARD CONSIDERATION OF SAFETY INTEGRATION PLANS IN CASES INVOLVING RAILROAD CONSOLIDATIONS, MERGERS, AND ACQUISITIONS OF CONTROL

■ 31. Revise the authority citation for part 1106 to read as follows:

Authority: 5 U.S.C. 553; 5 U.S.C. 559; 49 U.S.C. 1321; 49 U.S.C. 10101; 49 U.S.C. 11323–11325; 42 U.S.C. 4332.

■ 32. In § 1106.2:

■ a. Remove the definition of *Section of Environmental Analysis.*

■ b. Add a definition of *Office of Environmental Analysis* in alphabetical order to read as follows:

§ 1106.2 Definitions.

* * * * *

Office of Environmental Analysis (''OEA'') means the Office that prepares the Board's environmental documents and analyses.

* * * * *

§ 1106.4 [Amended]

■ 33. In § 1106.4(a), (b)(1), (b)(2), and (b)(3), remove the reference to ''SEA'' wherever it appears and add in its place ''OEA''.

PART 1108—ARBITRATION OF CERTAIN DISPUTES SUBJECT TO THE STATUTORY JURISDICTION OF THE SURFACE TRANSPORTATION BOARD

■ 34. The authority citation for part 1108 continues to read as follows:

Authority: 49 U.S.C. 11708, 49 U.S.C. 1321(a), and 5 U.S.C. 571 *et seq.*

§ 1108.3 [Amended]

■ 35. In § 1108.3(c), remove ''*www.stb.dot.gov*'' and add in its place ''*www.stb.gov*''.

PART 1110—PROCEDURES GOVERNING INFORMAL RULEMAKING PROCEEDINGS

■ 36. Revise the authority citation for part 1110 to read as follows:

Authority: 49 U.S.C. 1321.

PART 1112—MODIFIED PROCEDURES

■ 37. Revise the authority citation for part 1112 to read as follows:

Authority: 5 U.S.C. 559; 49 U.S.C. 1321.

PART 1113—ORAL HEARING

■ 38. Revise the authority citation for part 1113 to read as follows:

Authority: 5 U.S.C. 559; 49 U.S.C. 1321.

PART 1114—EVIDENCE; DISCOVERY

■ 39. The authority citation for part 1114 continues to read as follows:

Authority: 5 U.S.C. 559; 49 U.S.C. 1321.

§ 1114.31 [Amended]

■ 40. In § 1114.31(b)(1), remove ''49 U.S.C. 721(c)'' and add in its place ''49 U.S.C. 1321(c)''.

PART 1116—ORAL ARGUMENT BEFORE THE BOARD

■ 41. Revise the authority citation for part 1116 to read as follows:

Authority: 49 U.S.C. 1321.

PART 1117—PETITIONS (FOR RELIEF) NOT OTHERWISE COVERED

■ 42. Revise the authority citation for part 1117 to read as follows:

Authority: 49 U.S.C. 1321.

PART 1119—COMPLIANCE WITH BOARD DECISIONS

■ 43. Revise the authority citation for part 1119 to read as follows:

Authority: 49 U.S.C. 1321.

PART 1120—USE OF 1977–1978 STUDY OF MOTOR CARRIER PLATFORM HANDLING FACTORS

■ 44. Revise the authority citation for part 1120 to read as follows:

Authority: 49 U.S.C. 1321, 13701, 13703.

PART 1132—PROTESTS REQUESTING SUSPENSION AND INVESTIGATION OF COLLECTIVE RATEMAKING ACTIONS

■ 45. Revise the authority citation for part 1132 to read as follows:

Authority: 49 U.S.C. 1321, 13301(f), and 13703.

PART 1133—RECOVERY OF DAMAGES

■ 46. Revise the authority citation for part 1133 to read as follows:

Authority: 49 U.S.C. 1321.

PART 1135—RAILROAD COST RECOVERY PROCEDURES

■ 47. Revise the authority citation for part 1135 to read as follows:

Authority: 5 U.S.C. 553, and 49 U.S.C. 1321, 10701, 10704, 10708, and 11145.

PART 1141—PROCEDURES TO CALCULATE INTEREST RATES

■ 48. Revise the authority citation for part 1141 to read as follows:

Authority: 49 U.S.C. 1321.

PART 1144—INTRAMODAL RAIL COMPETITION

■ 49. Revise the authority citation for part 1144 to read as follows:

Authority: 49 U.S.C. 1321, 10703, 10705, and 11102.

PART 1146—EXPEDITED RELIEF FOR SERVICE EMERGENCIES

■ 50. Revise the authority citation for part 1146 to read as follows:

Authority: 49 U.S.C. 1321, 11101, and 11123.

PART 1147—TEMPORARY RELIEF UNDER 49 U.S.C. 10705 AND 11102 FOR SERVICE INADEQUACIES

■ 51. Revise the authority citation for part 1147 to read as follows:

Authority: 49 U.S.C. 1321, 10705, 11101, and 11102.

PART 1150—CERTIFICATE TO CONSTRUCT, ACQUIRE, OR OPERATE RAILROAD LINES

■ 52. Revise the authority citation for part 1150 to read as follows:

Authority: 49 U.S.C. 1321(a), 10502, 10901, and 10902.

§ 1150.1 [Amended]

■ 53. In § 1150.1(b), remove the reference to ''Section of Environmental Analysis'' and add in its place ''Office of Environmental Analysis''.

§ 1150.10 [Amended]

■ 54. In § 1150.10(g), remove the reference to ''Section of Environmental Analysis'' and add in its place ''Office of Environmental Analysis''.

§ 1150.36 [Amended]

■ 55. In § 1150.36:

■ a. In paragraph (b), remove the reference to ''Section of Environmental Analysis (SEA)'' and add in its place ''Office of Environmental Analysis (OEA)''.

■ b. In paragraph (c)(1)(ii), remove the reference to ''SEA'' and add in its place ''OEA''.

■ c. In paragraph (c)(3), remove the reference to ''SEA'' wherever it appears and add in its place ''OEA''.

■ d. In paragraph (c)(4), remove the reference to ''SEA's'' and add in its place ''OEA's''.

■ e. In paragraph (d):

■ i. Remove the reference to ''SEA'' wherever it appears and add in its place ''OEA''.

■ ii. Remove the reference to ''SEA's'' wherever it appears and add in its place ''OEA's''.

PART 1152—ABANDONMENT AND DISCONTINUANCE OF RAIL LINES AND RAIL TRANSPORTATION UNDER 49 U.S.C. 10903

■ 56. The authority citation for part 1152 continues to read as follows:

Authority: 11 U.S.C. 1170; 16 U.S.C. 1247(d) and 1248; 45 U.S.C. 744; and 49 U.S.C. 1301, 1321(a), 10502, 10903–10905, and 11161.

§ 1152.20 [Amended]

■ 57. In § 1152.20(a)(2)(vii), remove the reference to ''Military Traffic Management Command'' and add in its place ''Military Surface Deployment and Distribution Command''.

§ 1152.21 [Amended]

■ 58. In § 1152.21, remove the reference to ''Section of Environmental Analysis'' wherever it appears and add in its place ''Office of Environmental Analysis''.

§ 1152.22 [Amended]

■ 59. In § 1152.22(i), remove the reference to ''Section of Environmental Analysis'' wherever it appears and add in its place ''Office of Environmental Analysis''.

§ 1152.50 [Amended]

■ 60. In § 1152.50(d)(1)(ii), remove the reference to ''Military Traffic Management Command'' and add in its place ''Military Surface Deployment and Distribution Command''.

§ 1152.60 [Amended]

■ 61. In § 1152.60(c), remove the reference to ''Section of Environmental Analysis'' wherever it appears and add in its place ''Office of Environmental Analysis''.

PART 1155—SOLID WASTE RAIL TRANSFER FACILITIES

■ 62. Revise the authority citation for part 1155 to read as follows:

Authority: 49 U.S.C. 1321(a), 10908, 10909, 10910.

■ 63. In Appendix A to part 1155, remove ''*http://www.stb.dot.gov*'' and add in its place ''*www.stb.gov*''.

PART 1177—RECORDATION OF DOCUMENTS

■ 64. Revise the authority citation for part 1177 to read as follows:

Authority: 49 U.S.C. 1321, 11301.

PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES

■ 65. Revise the authority citation for part 1180 to read as follows:

Authority: 5 U.S.C. 553 and 559; 11 U.S.C. 1172; 49 U.S.C. 1321, 10502, 11323–11325.

§ 1180.1 [Amended]

■ 66. In § 1180.1(f)(1):

■ a. Remove the reference to ''Section of Environmental Analysis (SEA)'' and add in its place ''Office of Environmental Analysis (OEA)''.

■ b. Remove the reference to ''SEA'' and add in its place ''OEA''.

■ 67. In § 1180.4, revise paragraph (c)(5)(ii) to read as follows:

§ 1180.4 Procedures.

* * * * *

(c) * * *

(5) * * *

(ii) The Secretary of the United States Department of Transportation (Office of Chief Counsel, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

* * * * *

§ 1180.6 [Amended]

■ 68. In § 1180.6(a)(8), remove the reference to ''Section of Environmental Analysis'' and add in its place ''Office of Environmental Analysis''.

PART 1182—PURCHASE, MERGER, AND CONTROL OF MOTOR PASSENGER CARRIERS

■ 69. Revise the authority citation for part 1182 to read as follows:

Authority: 5 U.S.C. 559; 21 U.S.C. 862; and 49 U.S.C. 13501, 13541(a), 13902(c), and 14303.

§ 1182.2 [Amended]

■ 70. In § 1182.2(a)(11), remove ''21 U.S.C. 853a'' and add in its place ''21 U.S.C. 862''. (a)(2), remove ''Chief, Lic. & Ins. Div., U.S.D.O.T. Office of Motor Carriers-HIA 30, 400 Virginia Ave. SW, Ste. 600, Washington, DC 20004'' and add in its place ''Federal Motor Carrier Safety Administration, Office of Registration & Safety Information, Chief, Registration, Licensing & Insurance Division, 1200 New Jersey Ave. SE, Mail Stop W65–331, Washington, DC 20590''.

§ 1182.3 [Amended]

■ 71. In § 1182.3(a)(2), remove ''Chief, Lic. & Ins. Div., U.S.D.O.T. Office of Motor Carriers-HIA 30, 400 Virginia Ave. SW, Ste. 600, Washington, DC 20004'' and add in its place ''Federal Motor Carrier Safety Administration, Office of Registration & Safety Information, Chief, Registration, Licensing & Insurance Division, 1200 New Jersey Ave. SE, Mail Stop W65–331, Washington, DC 20590''.

§ 1182.8 [Amended]

■ 72. In § 1182.8(f), remove ''Office of Motor Carriers of the U.S. Department of Transportation'' and add in its place ''Federal Motor Carrier Safety Administration''.

PART 1184—MOTOR CARRIER POOLING OPERATIONS

■ 73. Revise the authority citation for part 1184 to read as follows:

Authority: 49 U.S.C. 1321, 14302.

PART 1185—INTERLOCKING OFFICERS

■ 74. Revise the authority citation for part 1185 to read as follows:

Authority: 49 U.S.C. 1321, 10502, and 11328.

PART 1200—GENERAL ACCOUNTING REGULATIONS UNDER THE INTERSTATE COMMERCE ACT

■ 75. Revise the authority citation for part 1200 to read as follows:

Authority: 49 U.S.C. 1321, 11142, 11143, 11144, 11145.

PART 1220—PRESERVATION OF RECORDS

■ 76. Revise the authority citation for part 1220 to read as follows:

Authority: 49 U.S.C. 1321, 11144, 11145.

PART 1242—SEPARATION OF COMMON OPERATING EXPENSES BETWEEN FREIGHT SERVICE AND PASSENGER SERVICE FOR RAILROADS

■ 77. Revise the authority citation for part 1242 to read as follows:

Authority: 49 U.S.C. 1321, 11142.

PART 1243—QUARTERLY OPERATING REPORTS—RAILROADS

■ 78. Revise the authority citation for part 1243 to read as follows:

Authority: 49 U.S.C. 1321, 11145.

PART 1244—WAYBILL ANALYSIS OF TRANSPORTATION OF PROPERTY—RAILROADS

■ 79. Revise the authority citation for part 1244 to read as follows:

Authority: 49 U.S.C. 1321, 10707, 11144, 11145.

§ 1244.4 [Amended]

■ 80. In § 1244.4(c)(1), remove ''*http://www.stb.dot.gov*'' and add in its place ''*www.stb.gov*''.

§ 1244.9 [Amended]

■ 81. In § 1244.9:

■ a. In paragraph (b)(4)(ii), remove the reference to ''§ 1244.8(e)'' and add in its place ''§ 1244.9(e)''.

■ b. In paragraph (d)(2), remove the reference to ''49 CFR 1224.8'' and add in its place ''49 CFR 1244.9''.

■ c. In paragraph (h):

■ i. Remove the reference to ''Military Traffic Management Command (MTMC)'' and add in its place ''Military Surface Deployment and Distribution Command (SDDC)''.

■ ii. Remove the reference to ''MTMC's'' and add in its place ''SDDC's''.

PART 1245—CLASSIFICATION OF RAILROAD EMPLOYEES; REPORTS OF SERVICE AND COMPENSATION

■ 82. Revise the authority citation for part 1245 to read as follows:

Authority: 49 U.S.C. 1321, 11145.

PART 1246—NUMBER OF RAILROAD EMPLOYEES

■ 83. Revise the authority citation for part 1246 to read as follows:

Authority: 49 U.S.C. 1321, 11145.

PART 1247—REPORT OF CARS LOADED AND CARS TERMINATED

■ 84. Revise the authority citation for part 1247 to read as follows:

Authority: 49 U.S.C. 1321, 10707, 11144, 11145.

§ 1247.1 [Amended]

■ 85. In § 1247.1, remove ''*http://www.stb.dot.gov*'' and add in its place ''*www.stb.gov*''.

PART 1248—FREIGHT COMMODITY STATISTICS

■ 86. Revise the authority citation for part 1248 to read as follows:

Authority: 49 U.S.C. 1321, 11144 and 11145.

■ 87. Designate §§ 1248.1 through 1248.6 as subpart A, and add a heading for subpart A to read as follows:

Subpart A—Railroads

PART 1253—RATE-MAKING ORGANIZATION; RECORDS AND REPORTS

■ 88. Revise the authority citation for part 1253 to read as follows:

Authority: 49 U.S.C. 1321, 10706, 13703, 11144, and 11145.

PART 1305—DISCLOSURE AND NOTICE OF CHANGE OF RATES AND OTHER SERVICE TERMS FOR PIPELINE COMMON CARRIAGE

■ 89. Revise the authority citation for part 1305 to read as follows:

Authority: 49 U.S.C. 1321(a) and 15701(e).

PART 1310—TARIFF REQUIREMENTS FOR HOUSEHOLD GOODS CARRIERS

■ 90. Revise the authority citation for part 1310 to read as follows:

Authority: 49 U.S.C. 1321(a), 13702(a), 13702(c) and 13702(d).

PART 1312—REGULATIONS FOR THE PUBLICATION, POSTING AND FILING OF TARIFFS FOR THE TRANSPORTATION OF PROPERTY BY OR WITH A WATER CARRIER IN NONCONTIGUOUS DOMESTIC TRADE

■ 91. Revise the authority citation for part 1312 to read as follows:

Authority: 49 U.S.C. 1321(a), 13702(a), 13702(b) and 13702(d).

PART 1313—RAILROAD CONTRACTS FOR THE TRANSPORTATION OF AGRICULTURAL PRODUCTS

■ 92. Revise the authority citation for part 1313 to read as follows:

Authority: 49 U.S.C. 1321(a) and 10709.

PART 1319—EXEMPTIONS

■ 93. Revise the authority citation for part 1319 to read as follows:

Authority: 49 U.S.C. 1321(a) and 13541.

PART 1331—APPLICATIONS UNDER 49 U.S.C. 10706 AND 13703

■ 94. Revise the authority citation for part 1331 to read as follows:

Authority: 49 U.S.C. 1321, 10706 and 13703.

PART 1333—DEMURRAGE LIABILITY

■ 95. Revise the authority citation for part 1333 to read as follows:

Authority: 49 U.S.C. 1321.

[FR Doc. 2018–06657 Filed 4–6–18; 8:45 a.m.]

BILLING CODE 4915–01–P

Proposed Rules

Federal Register
Vol. 83, No. 68
Monday, April 9, 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

Animal and Plant Health Inspection Service

9 CFR Parts 145, 146, and 147

[Docket No. APHIS–2017–0055]

RIN 0579–AE37

National Poultry Improvement Plan and Auxiliary Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations governing the National Poultry Improvement Plan (NPIP) by updating and clarifying several provisions, including those concerning NPIP participation, voting requirements, testing procedures, and standards. These proposed changes were voted on and approved by the voting delegates at the NPIP's 2016 National Plan Conference.

DATES: We will consider all comments that we receive on or before May 9, 2018.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docket Detail;D=APHIS-2017-0055.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0055, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docket Detail;D=APHIS-2017-0055* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Denise Heard, DVM, Senior Coordinator, National Poultry Improvement Plan, VS, APHIS, USDA, 1506 Klondike Road, Suite 101, Conyers, GA 30094–5104; (770) 922–3496.

SUPPLEMENTARY INFORMATION:

Background

The National Poultry Improvement Plan (NPIP, also referred to below as ''the Plan'') is a cooperative Federal-State-industry mechanism for controlling certain poultry diseases. The Plan consists of a variety of programs intended to prevent and control poultry diseases. Participation in all Plan programs is voluntary, but breeding flocks, hatcheries, and dealers must first qualify as ''U.S. Pullorum-Typhoid Clean'' as a condition for participating in the other Plan programs.

The Plan identifies States, independent flocks, hatcheries, dealers, and slaughter plants that meet certain disease control standards specified in the Plan's various programs. As a result, customers can buy poultry that has tested clean of certain diseases or that has been produced under disease-prevention conditions.

The regulations in 9 CFR parts 145, 146, and 147 (referred to below as the regulations) contain the provisions of the Plan. The Animal and Plant Health Inspection Service (APHIS or the Service) amends these provisions from time to time to incorporate new scientific information and technologies within the Plan. The changes we are proposing, which are discussed below, were approved by the voting delegates at the Plan's 2016 Biennial Conference.

Participants and voting delegates at the Biennial Conference represented the poultry industry, flockowners, breeders, hatcherymen, slaughter plants, poultry veterinarians, diagnostic laboratory personnel, Official State Agencies from cooperating States, and other poultry industry affiliates. The proposed amendments are discussed in the order they would appear in the regulations.

Definitions

The term *NPIP Technical Committee* is currently defined in § § 145.1, 147.41, and 147.51 as ''A committee made up of technical experts on poultry health, biosecurity, surveillance, and diagnostics. The committee consists of representatives from the poultry and egg industries, universities, and State and Federal governments and is appointed by the Senior Coordinator and approved by the General Conference Committee.'' We are proposing to amend the definition to specify that the committee is divided into three subcommittees (Mycoplasma, Salmonella, and Avian Influenza), and that committee members may serve on one, two, or all three of those subcommittees. For many technical committee members, belonging to all three subcommittees can be time consuming and daunting. Therefore, having the flexibility to serve on just one or two of the subcommittees if they so choose would allow members to focus their expertise on their specific disease areas. The amended definition would also explain more of the purpose of the committee, *i.e.,* that it evaluates proposed changes to the regulations and program standards and provides recommendations to the Delegates of the National Plan Conference as to whether proposals are scientifically or technically sound. In addition to amending the definition in the sections where it currently appears in parts 145 and 147, we would also add the definition to part 146 for the sake of consistency across the regulations.

Addition of Birds to Existing Flocks

In § 145.4, paragraph (d) states that participants in the Plan may not buy or receive products for any purpose from nonparticipants unless they are part of an equivalent program, as determined by the Official State Agency. The regulations do, however, make an exception to that requirement by allowing participants to buy or receive products from flocks that are neither participants nor part of an equivalent program, for use in breeding flocks or for experimental purposes, with the permission of the Official State Agency (OSA) and the concurrence of APHIS and after first segregating the birds before introducing them into the breeding flock, and introducing them only after they have reached sexual maturity and have been tested and found negative for pullorum-typhoid.

We are proposing to amend that testing requirement so that it includes testing not only for pullorum-typhoid, but also for any other disease for which

the flock they are being introduced into holds a disease classification (*e.g., M. gallisepticum* or *M. synoviae*). As noted previously, breeding flocks must first qualify as ''U.S. Pullorum-Typhoid Clean'' as a condition for participating in the other Plan programs, hence the current requirement that birds test negative for pullorum-typhoid before being introduced into a flock. Requiring that they also test negative for any other disease for which the flock holds status would ensure that the flock maintains its eligibility for those other Plan programs.

Testing

The regulations in § 145.14 regarding testing state that for Plan programs in which a representative sample may be tested in lieu of an entire flock, except the ostrich, emu, rhea, and cassowary program in § 145.63(a), the minimum number tested shall be 30 birds per house, and when a house contains fewer than 30 birds, all the birds in the house must be tested. However, over the years a number of Plan programs have been amended to allow for alternative sampling and testing approaches. In order for the text of § 145.14 to not be at odds with the provisions governing those Plan programs, we would amend the introductory text of the section to include the caveat ''unless otherwise specified within the Plan program.''

We are also proposing to amend § 145.14(d) to add provisions for the use of real-time reverse transcriptase polymerase chain reaction (RRT–PCR) testing for avian influenza (AI) by primary breeder authorized laboratories. The current regulations provide that RRT–PCR testing must be conducted using reagents approved by the Department and the Official State Agency and using the National Veterinary Services Laboratories (NVSL) official protocol for RRT–PCR and performed by personnel who have passed an NVSL proficiency test.

We are proposing to allow NPIP primary breeder authorized laboratories to use federally licensed kits or NVSL tests on their own breeding flocks for more flexibility. An NPIP primary breeder authorized laboratory with an accredited quality assurance program that can satisfactorily pass a proficiency test provided by the Service using the NVSL approved protocol or federally licensed kit would be allowed to run this assay as a routine surveillance measure. An authorized laboratory's use of the test would be addressed in the memorandum of understanding between the laboratory, the Official State Agency, and the State Animal Health Official of the State or States where the laboratory and the breeding flocks are located. A follow-up of any positive results would continue to be handled by the Department and the Official State Agency and confirmed by NVSL.

Reactors

We are proposing to amend §§ 145.23, 145.33, 145.43, 145.53, 145.63, 145.73, 145.83, and 145.93 regarding the U.S. Pullorum-Typhoid Clean classification. The regulations in each of these sections describe the means by which flocks may demonstrate freedom from pullorum and typhoid to the Official State Agency. One of those means is that the flock was officially blood tested with no reactors.

In order to take into account the possibility of test results that indicate the presence of a reactor in the flock, but that upon further testing are found negative for *S. pullorum* or *S. gallinarum,* we are proposing to amend those sections. Specifically, the regulations would provide that a flock could demonstrate freedom from pullorum and typhoid when it has been officially blood tested with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of the regulations, fail to isolate *S. pullorum* or *S. gallinarum.*

Terminology

We are proposing to amend the regulations in §§ 145.45, 145.74, and 145.84 regarding avian influenza clean compartments. These sections currently use the term notifiable avian influenza, or NAI, but that term has been removed from the World Health Organization (OIE) Terrestrial Code and Terrestrial Manual. We would instead refer to H5/H7 avian influenza to harmonize the regulations with current OIE terminology.

Shipping Forms

The regulations in § 145.52(d) set out the information that participating flocks are to provide in reporting poultry sales to importing States. One of the pieces of information required is the NPIP hatchery approval number of the selling hatchery. Because the hatchery that ships the poultry may differ from the hatchery filling the order, we would amend the paragraph to also require the NPIP hatchery approval number of the shipping hatchery. This would aid in traceback efforts should the need arise.

Sampling Sites

We are proposing to amend the regulations in § 145.53 regarding the U.S. M. Gallisepticum Clean and U.S. M. Synoviae Clean classifications to add the trachea as a sampling site. The trachea is the best anatomical location to sample for those diseases, and both the choanal cleft and the trachea are recommended sampling sites for *M. gallisepticum* and *M. synoviae* detection by PCR and culture. As part of this change, we would remove references to the ''choanal palatine cleft/fissure area'' and simply refer to the choanal cleft for clarity's sake.

Those same Plan classifications also provide instructions for the number of birds to be sampled. The current regulations in § 145.53(c) and (d) call for a random sample of 50 percent of the birds in the flock, with a maximum of 200 birds and a minimum of 30 birds per flock or all birds in the flock if the flock size is less than 30 birds. The phrasing of the sample sizes has been a source of confusion for some growers and field technicians who gather the samples, so we are proposing to modify the wording to provide more clarity. The actual sample sizes would remain the same.

U.S. Salmonella Monitored

We are proposing to amend § 145.73 by adding a new paragraph (g), entitled U.S. Salmonella Monitored. The primary egg-type breeder companies routinely monitor their flocks and chicks for all Salmonella serotypes with the goal of producing Salmonella-free product. The addition of a Salmonella Monitored program for primary egg-type breeder companies would formalize those efforts and provide recognition and potential additional marketing opportunities for flocks that choose to participate.

The provisions of the new paragraph would mirror those of existing § 145.83(f), which is the U.S. Salmonella Monitored program for primary meat-type chicken breeding flocks. We would reflect this proposed program for primary egg-type chicken breeding flocks by adding a reference to § 145.73(g) to § 145.10(o), which is where the illustrative design for the U.S. Salmonella Monitored program is located.

Biosecurity Measures

The regulations in § 145.82 set out participation requirements for primary meat-type chicken breeding flocks. We are proposing to amend this section by adding a new paragraph (d) that would provide that poultry must be protected from vectors known to be in the wild and thus must be housed in enclosed structures during brooding, rearing, grow-out, or laying periods with no intentional access to the outdoors, creatures found in the wild or raised on

open range or pasture, or be provided with untreated open source water such as that directly from a pond, stream, or spring that wild birds or vermin have access to for usage for drinking water, as a cooling agent, or during a wash down/clean out process. These additional biosecurity measures are intended to protect these flocks from the introduction of disease from natural sources.

Sample Size

We are proposing to amend § 146.23 to change the testing requirements for commercial table-egg laying flocks. The current regulations state that a sample of at least 11 birds from table-egg layer pullet flocks and table-egg layer flocks participating in the U.S. H5/H7 Avian Influenza Monitored classification must test negative to H5/H7 subtypes of avian influenza within 30 days prior to movement. We would change that time period to 21 days.

We are proposing this change to reflect the OIE's established maximum incubation period for avian influenza of 21 days. This change would also make the H5/H7 Avian Influenza Monitored program for commercial table-egg layers consistent with the corresponding programs for commercial broilers and turkeys.

General Conference Committee

We are proposing to amend § 147.43 to clarify election procedures for the regional committee members of the General Conference Committee. The current regulations simply state that regional committee members and their alternates will be elected by the official delegates of their respective regions; in practice, the nominee receiving the most votes would become the committee member and the nominee in second place would become the alternate. We are proposing to amend the regulations to specify that ballots will be printed to allow the regional delegates to cast a vote for the member and another vote for the alternate. This change would allow the region's delegates to specifically vote for their committee member and alternate rather than having the nominee with the second-most votes becoming the alternate by default.

Committee Consideration of Proposed Changes

The regulations in § 147.46 provide that various committees make recommendations to the conference as a whole concerning each proposal considered at the biennial conference. The individual committee reports are submitted to the chairman of the conference, who combines them into one report showing, in numerical sequence, the committee recommendations on each proposal. We are proposing to amend paragraph (d) of that section to provide that, after completing the combined report, the chairman will distribute copies of the report electronically to the Official State Agency in advance of the voting, which takes place on the last day of the conference. This would allow the OSA to in turn provide the full report to the delegates from their States, which would provide them more time to review and discuss the proposals and thus make more informed decisions when voting on the proposals.

Authorized Laboratories

We are proposing to amend § 147.52(a) regarding the administration of check tests at authorized laboratories. The regulations currently state that NPIP will coordinate the distribution of check tests from NVSL to authorized laboratories. An authorized laboratory must use a regularly scheduled check test for each assay that it performs.

We are proposing to provide that the NPIP may approve and authorize additional laboratories to produce and distribute check tests as needed. This change would allow us to supplement the supply of check tests produced by NVSL with kits prepared by other approved laboratories, and NPIP and NVSL would work together to ensure that laboratory tests and submissions are accurate. We would also replace the current reference to ''regularly scheduled'' check tests with a reference to ''the next available'' check test. This more accurately describes the manner in which NPIP administers check tests to its authorized laboratories.

Approval of Diagnostic Test Kits

We are proposing to amend the regulations in § 147.54 regarding the approval of diagnostic test kits not licensed by the Service. First, we would amend paragraph (a)(1), which currently provides that spiked samples (clinical sample matrix with a known amount of pure culture added) should only be used in the event that no other sample types are available. (Field samples are preferred due to the often unrealistic outcomes of spiked samples.) In order to ensure that spiked samples are used only as a last resort, we would add a requirement that prior approval must be obtained from the NPIP Technical Committee. The NPIP Technical Committee is made up of technical experts on poultry health, biosecurity, surveillance, and diagnostics drawn from the poultry and egg industries, universities, and State and Federal governments, and therefore would be in a position to decide whether the use of spiked samples would be useful or appropriate under a given set of circumstances.

Paragraph (a)(1) also states that when evaluating an unlicensed test, laboratories should be selected for their experience with testing for the target organism or analyte with the current NPIP approved test. For the sake of clarity, we would add an example of what is intended by that requirement. Specifically, we would add ''(*e.g.,* a Salmonella test should be evaluated by NPIP authorized laboratories that test for Salmonella routinely).''

Paragraph (a)(3) provides that, when evaluating an unlicensed test kit, the cooperating laboratories must perform a current NPIP procedure or NPIP approved test on the samples alongside the test kit for comparison. We are proposing to amend that requirement to state that the cooperating laboratory must also provide an outline of the method on the worksheet for diagnostic test evaluation and include reproducibility and robustness data. This additional requirement would allow the NPIP Technical Committee to fully evaluate the new test utilizing a concise template for information. Currently, companies submit upwards 50 pages of raw data to the Technical Committee to evaluate in order to make a recommendation. The new worksheet is only two pages, and the company submitting the test would only insert the most pertinent information needed for the Technical Committee to evaluate that test. The supporting data would also be submitted along with the 2-page worksheet, but would only need to be referenced when something was not clear on the worksheet.

Finally, the regulations in paragraph (a)(4) refer to ''raw data'' compiled during the evaluation of the unlicensed test kit. We are proposing instead to refer to ''compiled output data.'' This change would reduce the amount of information (raw data) that companies would need to submit to the Technical Committee with the worksheet described in the previous paragraph. By eliminating the need for companies to submit only their complied output data rather than all the data in its raw form, we would reduce by up to half the amount of information to be submitted, which would also benefit the Technical Committee reviewers.

Editorial Correction

The regulations in § 145.93 contains several references to paragraph (a) of that section, which is reserved. We

would correct those references to cite paragraph (b).

Executive Orders 12866 and 13771 and Regulatory Flexibility Act

This proposed 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 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 by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the *Regulations.gov* website (see **ADDRESSES** above for instructions for accessing *Regulations.gov*).

This rulemaking would result in various changes to 9 CFR parts 145 through 147, modifying provisions of the National Poultry Improvement Plan (NPIP). The modifications are recommended by the NPIP General Conference Committee (GCC), which represents cooperating State agencies and poultry industry members and advises the Secretary on issues pertaining to poultry health. The rule would amend definitions, clarify the final determination status of pullorum-typhoid reactors, clarify requirements prior to comingling, allow for the use of reverse transcription polymerase chain reaction (RRT–PCR) for avian influenza surveillance under certain conditions, clarify testing requirements, update World Organization for Animal Health terminology, update testing requirements for *M. gallisepticum* and *M. synoviae* PCR testing, amend Form 9–31 requirements, add a U.S. Salmonella Monitored classification program, amend participation requirements, amend testing requirements for U.S. H5/H7 AI Monitored Classification Program, amend participation and voting requirements, amend Committee consideration of proposed changes, clarify check test proficiency requirements, and clarify requirements for new test submissions.

These changes would align the regulations with international standards and make them more transparent to APHIS stakeholders and the general public. The changes in this proposed rule were voted on and approved by the voting delegates at the Plan's 2016 Biennial Conference.

The establishments that would be affected by the proposed changes—principally entities engaged in poultry production and processing—are predominantly small by Small Business Administration standards. In those instances in which an addition or modification could potentially result in a cost to certain entities, we do not expect the costs to be significant. This proposed rule embodies changes decided upon by the NPIP GCC on behalf of Plan members, that is, changes recognized by the poultry industry as in their interest. We note that NPIP membership is voluntary.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR chapter IV.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Parts 145, 146, and 147

Animal diseases, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR parts 145, 146, and 147 as follows:

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN FOR BREEDING POULTRY

■ 1. The authority citation for part 145 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 2. In § 145.1, the definition of *NPIP Technical Committee* is amended by adding three sentences after the last sentence to read as follows:

§ 145.1 Definitions.

* * * * *

NPIP Technical Committee. * * * The NPIP Technical Committee is divided into three subcommittees (Mycoplasma, Salmonella, and Avian Influenza). NPIP Technical Committee Members may serve on one, two, or all three subcommittees. The committee will evaluate proposed changes to the Provisions and Program Standards of the Plan which include, but are not limited to, tests and sanitation procedures, and provide recommendations to the Delegates of the National Plan Conference as to whether they are scientifically or technically sound.

* * * * *

§ 145.4 [Amended]

■ 3. In § 145.4, paragraph (d)(2) is amended by adding the words ''and any other disease for which the flock into which the birds are being introduced holds a disease classification'' after the words ''pullorum-typhoid''.

§ 145.10 [Amended]

■ 4. In § 145.10, paragraph (o) is amended by adding the citation ''§ 145.73(g),'' after the citation ''§ 145.53(f),''.

■ 5. Section 145.14 is amended as follows:

■ a. In the introductory text, in the third sentence, by adding the words ''unless otherwise specified within the Plan program,'' after the words ''30 birds per house,'' and in the last sentence, by adding the words '', unless otherwise specified within the Plan program'' after the words ''must be tested''; and

■ b. By revising paragraph (d)(2)(i)(A). The revision reads as follows:

§ 145.14 Testing.

* * * * *

(d) * * *

(2) * * *

(i) * * *

(A) The RRT–PCR tests must be conducted using reagents approved by the Department and the Official State Agency. The RRT–PCR must be conducted using the National Veterinary Services Laboratories (NVSL) official protocol for RRT–PCR or a test kit licensed by the Department and approved by the Official State Agency and the State Animal Health Official, and must be conducted by personnel who have passed an NVSL proficiency test. For non-National Animal Health Laboratory Network (NAHLN) authorized laboratories:

(*1*) RRT–PCR testing may be used by primary breeder company authorized laboratories.

(*2*) RRT–PCR testing can only be performed on their own breeding flocks and only used for routine surveillance.

(*3*) The authorized laboratory must have a quality system that is accredited as ISO/IEC 17025 or equivalent to perform the avian influenza RRT–PCR assay.

(*4*) The use of the RRT–PCR test by the authorized laboratory must be approved in the memorandum of understanding (MOU) between the authorized laboratory, the Official State Agency, and the State Animal Health Official(s) of both the location of the authorized laboratory and the location where the breeding flocks reside.

(*5*) Split samples for testing must occur between the authorized laboratory and a NAHLN laboratory at a frequency designated in the MOU.

* * * * *

■ 6. In § 145.23, paragraph (b)(1) is revised to read as follows:

§ 145.23 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(1) It has been officially blood tested with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

* * * * *

■ 7. In § 145.33, paragraph (b)(1) is revised to read as follows:

§ 145.33 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(1) It has been officially blood tested with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

* * * * *

■ 8. In § 145.43, paragraphs (b)(1) and (5) are revised to read as follows:

§ 145.43 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(1) It has been officially blood tested with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

* * * * *

(5) It is a primary breeding flock located in a State determined to be in compliance with the provisions of paragraph (b)(4) of this section and in which a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum: Provided,* That a bacteriological examination monitoring program acceptable to the Official State Agency and approved by APHIS may be used in lieu of blood testing.

* * * * *

■ 9. Section 145.45 is amended as follows:

■ a. By revising paragraph (a) introductory text; and

■ b. By removing the word ''NAI'' and adding the words ''H5/H7 AI'' in its place each time it appears in the following paragraphs:

■ i. Paragraph (a)(1), introductory text;

■ ii. Paragraph (a)(1)(i);

■ iii. Paragraph (a)(1)(iii), introductory text;

■ iv. Paragraph (a)(1)(v);

■ v. Paragraph (a)(2)(iii); and

■ vi. Paragraph (a)(4).

The revision reads as follows:

§ 145.45 Terminology and classification; compartments.

(a) *US H5/H7 AI Clean Compartment.* This program is intended to be the basis from which the primary turkey breeding-hatchery industry may demonstrate the existence and implementation of a program that has been approved by the Official State Agency and APHIS to establish a compartment consisting of a primary breeding-hatchery company that is free of H5/H7 avian influenza (AI). For the purpose of the compartment, avian influenza is defined according to the OIE Terrestrial Animal Health Code Chapter 10.4. This compartment has the purpose of protecting the defined subpopulation and avoiding the introduction and spread of H5/H7 AI within that subpopulation by prohibiting contact with other commercial poultry operations, other domestic and wild birds, and other intensive animal operations. The program shall consist of the following:

* * * * *

■ 10. Section 145.52 is amended by redesignating paragraphs (d)(7) and (d)(8) as paragraphs (d)(8) and (d)(9), respectively, and by adding a new paragraph (d)(7) to read as follows:

§ 145.52 Participation.

* * * * *

(d) * * *

(7) The NPIP hatchery approval number of the shipping hatchery;

* * * * *

■ 11. Section 145.53 is amended as follows:

■ a. By revising paragraphs (b)(1) and (b)(5);

■ b. In paragraph (c)(1)(i), by adding the words ''trachea or'' before the word ''choanal'' and by removing the words ''palatine cleft/fissure area'' and adding the word ''cleft'' in their place.

■ c. By revising paragraph (c)(1)(ii) introductory text;

■ d. In paragraph (c)(1)(ii)(A), by adding the words ''trachea or'' before the word ''choanal'' and by removing the words ''palatine cleft/fissure area'' and adding the word ''cleft'' in their place;

■ e. In paragraph (d)(1)(i), by adding the words ''trachea or'' before the word ''choanal'' and by removing the words ''palatine cleft/fissure area'' and adding the word ''cleft'' in their place.

■ f. By revising paragraph (d)(1)(ii) introductory text; and

■ g. In paragraph (d)(1)(ii)(A), by adding the words ''trachea or'' before the word ''choanal'' and by removing the words ''palatine cleft/fissure area'' and adding the word ''cleft'' in their place.

The revisions read as follows:

§ 145.53 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(1) It has been officially blood tested within the past 12 months with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

* * * * *

(5) It is a primary breeding flock located in a State determined to be in compliance with the provisions of paragraph (b)(4) of this section, and in which a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid within the past 12 months with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum: Provided,* That a bacteriological examination monitoring program or serological examination monitoring program for game birds acceptable to the Official State Agency and approved by the Service may be used in lieu of annual blood testing: *And Provided further,* That when a flock is a hobbyist or exhibition waterfowl or exhibition poultry primary breeding flock located in a State which has been deemed to be a U.S. Pullorum-Typhoid Clean State for the past 3 years, and during which time no isolation of

pullorum or typhoid has been made that can be traced to a source in that State, a bacteriological examination monitoring program or a serological examination monitoring program acceptable to the Official State Agency and approved by the Service may be used in lieu of annual blood testing.

(c) * * *

(1) * * *

(ii) It is a multiplier breeding flock which originated as U.S. M. Gallisepticum Clean baby poultry from primary breeding flocks and from which a random sample of birds has been tested for *M. gallisepticum* as provided in § 145.14(b) when more than 4 months of age or upon reaching sexual maturity. For flocks of more than 400 birds, 200 birds shall be tested. For flocks of 60 to 400 birds, 50 percent of the birds shall be tested. For flocks of fewer than 60 birds, all birds shall be tested up to a maximum of 30 birds: *Provided,* that to retain this classification, the flock shall be subjected to one of the following procedures:

* * * * *

(d) * * *

(1) * * *

(ii) It is a multiplier breeding flock that originated as U.S. M. Synoviae Clean chicks from primary breeding flocks and from which a random sample of birds has been tested for *M. synoviae* as provided in § 145.14(b) when more than 4 months of age or upon reaching sexual maturity. For flocks of more than 400 birds, 200 birds shall be tested. For flocks of 60 to 400 birds, 50 percent of the birds shall be tested. For flocks of fewer than 60 birds, all birds shall be tested up to a maximum of 30 birds: *Provided,* that to retain this classification, the flock shall be subjected to one of the following procedures:

* * * * *

■ 12. Section 145.63 is amended by revising paragraphs (a)(1) and (a)(2)(i) as follows:

§ 145.63 Terminology and classification; flocks and products.

* * * * *

(a) * * *

(1) It has been officially blood tested within the past 12 months with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

(2) * * *

(i)(A) It is a multiplier or primary breeding flock of fewer than 300 birds in which a sample of 10 percent of the birds in a flock or at least 1 bird from each pen, whichever is more, has been officially tested for pullorum-typhoid within the past 12 months with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum;* or

(B) It is a multiplier or primary breeding flock of 300 birds or more in which a sample of a minimum of 30 birds has been officially tested for pullorum-typhoid within the past 12 months with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

* * * * *

■ 13. Section 145.73 is amended as follows:

■ a. By revising paragraphs (b)(1) and (b)(2)(ii); and

■ b. By adding paragraph (g).

The revisions and addition read as follows:

§ 145.73 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(1) It has been officially blood tested with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

(2) * * *

(ii) In the primary breeding flock, a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum: Provided,* That a bacteriological examination monitoring program acceptable to the Official State Agency and approved by APHIS may be used in lieu of blood testing.

* * * * *

(g) *U.S. Salmonella Monitored.* This program is intended to be the basis from which the primary egg-type breeder industry may conduct a program for the prevention and control of salmonellosis. It is intended to reduce the incidence of Salmonella organisms in hatching eggs and chicks through an effective and practical sanitation program at the breeder farm and in the hatchery. This will afford other segments of the poultry industry an opportunity to reduce the incidence of Salmonella in their products.

(1) A flock and the hatching eggs and chicks produced from it that have met the following requirements, as determined by the Official State Agency:

(i) The flock is maintained in accordance with part 147 of this subchapter with respect to flock sanitation, cleaning and disinfection, and Salmonella isolation, sanitation, and management.

(ii) Measures shall be implemented to control Salmonella challenge through feed, feed storage, and feed transport.

(iii) Chicks shall be hatched in a hatchery whose sanitation is maintained in accordance with part 147 of this subchapter and sanitized or fumigated in accordance with part 147 of this subchapter.

(iv) An Authorized Agent shall take environmental samples from the hatchery every 30 days; *i.e.,* meconium or chick papers. An authorized laboratory for Salmonella shall examine the samples bacteriologically.

(v) An Authorized Agent shall take environmental samples in accordance with part 147 of this subchapter from each flock at 4 months of age and every 30 days thereafter. An authorized laboratory for Salmonella shall examine the environmental samples bacteriologically. All Salmonella isolates from a flock shall be serogrouped and shall be reported to the Official State Agency on a monthly basis.

(vi) Owners of flocks may vaccinate with a paratyphoid vaccine: *Provided,* That a sample of 350 birds, which will be banded for identification, shall remain unvaccinated until the flock reaches at least 4 months of age to allow for the serological testing required under paragraph (g)(1)(iv) of this section.

(vii) Any flock entering the production period that is in compliance with all the requirements of this paragraph (g) with no history of Salmonella isolations shall be considered ''Salmonella negative'' and may retain this definition as long as no environmental or bird Salmonella isolations are identified and confirmed from the flock or flock environment by sampling on four separate collection dates over a minimum of a 2-week period. Sampling and testing must be performed as described in paragraph (g)(1)(vi) of this section. An unconfirmed environmental Salmonella isolation shall not change this Salmonella negative status.

(2) The Official State Agency may monitor the effectiveness of the sanitation practices in accordance with part 147 of this subchapter.

(3) In order for a hatchery to sell products of paragraphs (g)(1)(i) through (vii) of this section, all products

handled shall meet the requirements of the classification.

(4) This classification may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures.

§ 145.74 [Amended]

■ 14. Section 145.74 is amended as follows:

■ a. In paragraph (a) introductory text, in the first sentence, by removing the words '', also referred to as notifiable avian influenza (NAI)'' and, in the second sentence, by removing the word ''NAI'' and adding the words ''H5/H7 AI'' in its place; and

■ b. By removing the word ''NAI'' and adding the words ''H5/H7 AI'' in its place each time it appears in the following paragraphs:

■ i. Paragraph (a)(1), introductory text;

■ ii. Paragraph (a)(1)(i);

■ iii. Paragraph (a)(1)(iii), introductory text;

■ iv. Paragraph (a)(1)(v);

■ v. Paragraph (a)(2)(iii); and

■ vi. Paragraph (a)(4).

■ 15. Section 145.82 is amended by adding paragraph (d) to read as follows:

§ 145.82 Participation.

* * * * *

(d) Poultry must be protected from vectors known to be in the wild and thus must be housed in enclosed structures during brooding, rearing, grow-out, or laying periods with no intentional access to the outdoors, creatures found in the wild, or raised on open range or pasture, or be provided with untreated open source water such as that directly from a pond, stream, or spring that wild birds or vermin have access to for usage for drinking water, as a cooling agent, or during a wash down/clean out process.

■ 16. Section 145.83 is amended by revising paragraphs (b)(1) and (b)(2)(ii) to read as follows:

§ 145.83 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(1) It has been officially blood tested with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

(2) * * *

(ii) In the primary breeding flock, a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum: Provided,* That a bacteriological examination monitoring program acceptable to the Official State Agency and approved by APHIS may be used in lieu of blood testing.

* * * * *

§ 145.84 [Amended]

■ 17. Section 145.84 is amended as follows:

■ a. In the introductory text of paragraph (a), in the first sentence, by removing the words '', also referred to as notifiable avian influenza (NAI)'' and, in the second sentence, by removing the word ''NAI'' and adding the words ''H5/H7 AI'' in its place; and

■ b. By removing the word ''NAI'' and adding the words ''H5/H7 AI'' in its place each time it appears in the following paragraphs:

■ i. Paragraph (a)(1) introductory text;

■ ii. Paragraph (a)(1)(i);

■ iii. Paragraph (a)(1)(iii) introductory text;

■ iv. Paragraph (a)(1)(v);

■ v. Paragraph (a)(2)(iii); and

■ vi. Paragraph (a)(4).

■ 18. Section 145.93 is amended as follows:

■ a. By revising paragraph (b)(1);

■ b. In paragraph (b)(3)(viii), by removing the words ''paragraphs (a)(3)(i),'' and adding the words ''paragraphs (b)(3)(i),'' in their place;

■ c. In paragraph (b)(4), by removing the words ''paragraph (a)(3)'' and adding the words ''paragraph (b)(3)'' in their place; and

■ d. By revising paragraph (b)(5).

The revisions read as follows:

§ 145.93 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(1) It has been officially blood tested within the past 12 months with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

* * * * *

(5) It is a primary breeding flock located in a State determined to be in compliance with provisions of paragraph (b)(3) of this section, and in which a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid within the past 12 months with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum: Provided,* That when a flock is a primary breeding flock located in a State which has been deemed to be a U.S. Pullorum-Typhoid Clean State for the past 3 years, and during which time no isolation of pullorum or typhoid has been made that can be traced to a source in that State, a bacteriological examination monitoring program or a serological examination monitoring program acceptable to the Official State Agency and approved by the Service may be used in lieu of annual blood testing.

* * * * *

PART 146—NATIONAL POULTRY IMPROVEMENT PLAN FOR COMMERCIAL POULTRY

■ 19. The authority citation for part 146 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 20. In § 146.1, a definition of *NPIP Technical Committee* is added in alphabetical order to read as follows:

§ 146.1 Definitions.

* * * * *

NPIP Technical Committee. A committee made up of technical experts on poultry health, biosecurity, surveillance, and diagnostics. The committee consists of representatives from the poultry and egg industries, universities, and State and Federal governments and is appointed by the Senior Coordinator and approved by the General Conference Committee. The NPIP Technical Committee is divided into three subcommittees (Mycoplasma, Salmonella, and Avian Influenza). NPIP Technical Committee Members may serve on one, two, or all three subcommittees. The committee will evaluate proposed changes to the Provisions and Program Standards of the Plan which include, but are not limited to, tests and sanitation procedures, and provide recommendations to the Delegates of the National Plan Conference as to whether they are scientifically or technically sound.

* * * * *

§ 146.23 [Amended]

■ 21. In § 146.23, paragraphs (a)(1)(i) and (2)(i) are amended by removing the number ''30'' and adding the number ''21'' in its place.

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

■ 22. The authority citation for part 147 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 23. In § 147.41, the definition of *NPIP Technical Committee* is amended by adding three sentences after the last sentence to read as follows:

§ 147.41 Definitions.

* * * * *

NPIP Technical Committee. * * * The NPIP Technical Committee is divided into three subcommittees (Mycoplasma, Salmonella, and Avian Influenza). NPIP Technical Committee Members may serve on one, two, or all three subcommittees. The committee will evaluate proposed changes to the Provisions and Program Standards of the Plan which include, but are not limited to, tests and sanitation procedures, and provide recommendations to the Delegates of the National Plan Conference as to whether they are scientifically or technically sound.

* * * * *

■ 24. In § 147.43, paragraph (b) is amended by adding a sentence after the second sentence to read as follows:

§ 147.43 General Conference Committee.

* * * * *

(b) * * * The ballots for electing regional committee members and their alternates will be printed in such a way as to allow the specific selection of one nominee for member, and one nominee for alternate from the remaining nominees. * * *

* * * * *

■ 25. In § 147.46, paragraph (d) is amended by adding a sentence after the last sentence to read as follows:

§ 147.46 Committee consideration of proposed changes.

* * * * *

(d) * * * Once completed, the combined committee report will be distributed electronically to the Official State Agencies prior to the delegates voting on the final day of the biennial conference.

* * * * *

■ 26. In § 147.51, the definition of *NPIP Technical Committee* is amended by adding three sentences after the last sentence to read as follows:

§ 147.51 Definitions.

* * * * *

NPIP Technical Committee. * * * The NPIP Technical Committee is divided into three subcommittees (Mycoplasma, Salmonella, and Avian Influenza). NPIP Technical Committee Members may serve on one, two, or all three subcommittees. The committee will evaluate proposed changes to the Provisions and Program Standards of the Plan which include, but are not limited to, tests and sanitation procedures, and provide recommendations to the Delegates of the National Plan Conference as to whether they are scientifically or technically sound.

■ 27. In § 147.52, paragraph (a) is revised to read as follows:

§ 147.52 Authorized laboratories.

* * * * *

(a) *Check-test proficiency.* The NPIP will serve as the lead agency for the coordination of available check tests from the National Veterinary Services Laboratories. Further, the NPIP may approve and authorize additional laboratories to produce and distribute a check test as needed. The authorized laboratory must use the next available check test for each assay that it performs.

* * * * *

■ 28. In § 147.54, paragraphs (a)(1), (3), and (4) are revised to read as follows:

§ 147.54 Approval of diagnostic test kits not licensed by the Service.

(a) * * *

(1) The sensitivity of the kit will be evaluated in at least three NPIP authorized laboratories by testing known positive samples, as determined by the official NPIP procedures found in the NPIP Program Standards or through other procedures approved by the Administrator. Field samples, for which the presence or absence of the target organism or analyte has been determined by the current NPIP test, are the preferred samples and should be used when possible. Samples from a variety of field cases representing a range of low, medium, and high analyte concentrations should be used. In some cases it may be necessary to utilize samples from experimentally infected animals. Spiked samples (clinical sample matrix with a known amount of pure culture added) should only be used in the event that no other sample types are available. When the use of spiked samples may be necessary, prior approval from the NPIP Technical Committee is required. Pure cultures should never be used. Additionally, laboratories should be selected for their experience with testing for the target organism or analyte with the current NPIP approved test. (*e.g.,* a Salmonella test should be evaluated by NPIP authorized laboratories that test for Salmonella routinely). If certain conditions or interfering substances are known to affect the performance of the kit, appropriate samples will be included so that the magnitude and significance of the effect(s) can be evaluated.

* * * * *

(3) The kit will be provided to the cooperating laboratories in its final form and include the instructions for use. The cooperating laboratories must perform the assay exactly as stated in the supplied instructions. Each laboratory must test a panel of at least 25 known positive samples. In addition, each laboratory must test at least 50 known negative samples obtained from several sources, to provide a representative sampling of the general population. The cooperating laboratories must perform a current NPIP procedure or NPIP approved test on the samples alongside the test kit for comparison and must provide an outline of the method on the worksheet for diagnostic test evaluation. Reproducibility and robustness data should also be included.

(4) Cooperating laboratories will submit to the kit manufacturer all compiled output data regarding the assay response. Each sample tested will be reported as positive or negative, and the official NPIP procedure used to classify the sample must be submitted in addition to the assay response value. A completed worksheet for diagnostic test evaluation is required to be submitted with the compiled output data and may be obtained by contacting the NPIP Senior Coordinator. Data and the completed worksheet for diagnostic test evaluation must be submitted to the NPIP Senior Coordinator 4 months prior to the next scheduled General Conference Committee meeting, which is when approval will be sought.

* * * * *

Done in Washington, DC, this 3rd day of April 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–07076 Filed 4–6–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2018–C–1007]

Aker BioMarine; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of petition.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing that we have filed a petition, submitted by Aker BioMarine, proposing that the color additive regulations be amended to provide for the safe use of Antarctic krill meal which is composed of the ground and dried tissue of *Euphausia superba,* for use in the feed of salmonid fish. The use would enhance the color of the salmonid fish flesh.

DATES: Submit either electronic or written comments on the petitioner's environmental assessment by May 9, 2018.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before May 9, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of May 9, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery 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–C–1007 for ''Aker BioMarine; Filing of Color Additive Petition.'' Received comments, those filed in a timely manner (see **ADDRESSES**), 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: Stephen DiFranco, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2710.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (section 721(d)(1) (21 U.S.C. 379e(d)(1))), we are giving notice that we have filed a color additive petition (CAP 5C0303), submitted by Aker BioMarine, c/o Intertek Scientific & Regulatory Consultancy (Aker BioMarine), Rm. 1036, Building A8 Cody Technology Park, Ively Road, Farnborough, Hampshire, GU14 0LX, UK. The petition proposes to amend the color additive regulations in part 73 (21 CFR part 73) *Listing of Color Additives Exempt From Certification* to provide for the safe use of Antarctic krill meal which is composed of the ground and dried tissue of *Euphausia superba,* for use in the feed of salmonid fish. The use of such feed would enhance the color of the salmonid fish flesh.

We are reviewing the potential environmental impact of this petition. To encourage public participation consistent with regulations issued under the National Environmental Policy Act (40 CFR 1501.4(b)), we are placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Staff (see **ADDRESSES**) for public review and comment.

We will also place on public display, in the Dockets Management Staff and at *https://www.regulations.gov,* any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register**. If, based on our review, we find that an environmental impact statement is not required, and this petition results in a regulation, we will publish the notice of availability of our finding of no significant impact and the evidence supporting that finding with the regulation in the **Federal Register** in accordance with 21 CFR 25.51(b).

Dated: April 3, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–07155 Filed 4–6–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2018–0005; Notice No. 174]

RIN 1513–AC38

Proposed Establishment of the Upper Hudson 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 establish the approximately 1,500-square mile ''Upper Hudson'' viticultural area in all or portions of Albany, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, and Washington Counties in New York. The proposed viticultural area does not lie within, nor does it contain, any other 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 addition to its regulations.

DATES: Comments must be received by June 8, 2018.

ADDRESSES: Please send your comments on this proposed rule to one of the following addresses:

- *Internet: http://www.regulations.gov* (via the online comment form for this proposed rule as posted within Docket No. TTB–2018–0005 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 proposed rule for specific instructions and requirements for submitting comments, and for information on how to request a public hearing or view or request 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 of 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.

Upper Hudson Petition

TTB received a petition from Andrew and Kathleen Weber, owners of Northern Cross Vineyard, on behalf of local grape growers and vintners, proposing to establish the approximately 1,500-square mile ''Upper Hudson'' AVA. Nineteen commercial vineyards, covering approximately 67.5 acres, are distributed across the proposed AVA. According to the petition, several vineyard owners are planning to expand their vineyards by a total of 14 additional acres in the near future, and 4 new vineyards are also planned. All 19 of the vineyards within the proposed AVA also have attached wineries.

The distinguishing feature of the proposed Upper Hudson AVA is its climate. Unless otherwise noted, all information and data pertaining to the proposed AVA contained in this proposed rule comes from the petition for the proposed Upper Hudson AVA and its supporting exhibits.

Name Evidence

The proposed Upper Hudson AVA is located along the Hudson River. According to the petition, the term ''Upper Hudson'' is used to describe the non-tidal portion of the river above the Federal Dam in Troy, New York. For example, the U.S. Geological Survey has a web page with information about the

Hudson River watershed in the region of the proposed AVA titled ''USGS Water Resources Links for the Upper Hudson.'' [1] The petition also included a ''USA Today'' article about kayaking trips within the region that includes the proposed AVA and is titled ''Kayaking in the Upper Hudson.'' [2]

The petition included a listing of organizations and businesses within the proposed AVA that use the name ''Upper Hudson.'' The Phi Beta Kappa fraternal organization [3], and the Editorial Freelancers Association [4] both have chapters within the proposed boundaries of the AVA referred to as ''Upper Hudson.'' The Upper Hudson Green Party and the Upper Hudson Peace Action are two other organizations located within the proposed AVA. The Upper Hudson Research Center provides laboratory and field station facilities within the proposed AVA for researchers of Rensselaer Polytechnic Institute who study freshwater habitats. Medical facilities within the proposed AVA include Upper Hudson Dermatology and Upper Hudson Primary Care. Finally, Upper Hudson Farm Direct provides deliveries of fresh produce from farms within the region of the proposed AVA.

Boundary Evidence

The proposed Upper Hudson AVA includes all or portions of Albany, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, and Washington Counties in New York. The proposed boundaries follow a series of roads and rivers. To the east of the proposed AVA are the foothills of the Taconic Mountains, which have higher elevations and cooler growing season temperatures than the proposed AVA. To the south of the proposed AVA is the region known as the Lower Hudson River Valley, which includes the established Hudson River Region AVA (27 CFR 9.47). This region has warmer annual temperatures than the proposed AVA, due to the tidal nature of the lower portion of the Hudson River. To the west of the proposed AVA are the Adirondack and Allegheny Mountains, which have higher elevations and cooler annual temperatures than the proposed AVA. To the north of the proposed AVA are the valleys of Lake George and Lake Champlain, where growing season temperatures are generally warmer due to the moderating effects of the lakes.

Distinguishing Features

The distinguishing feature of the proposed Upper Hudson AVA is its climate. The petition included information on the USDA plant hardiness zones and the growing degree day accumulations (GDDs) [5] for the proposed AVA and the surrounding areas.

Plant Hardiness Zones

The USDA plant hardiness zone map included in the petition divides the United States into zones based on the average annual minimum winter temperature. The map is divided into 13 zones, from the coolest zone 1 to the warmest zone 13. Each zone has a 10-degree Fahrenheit (F) range and is further divided into two 5-degree F sub-zones, which are designated ''a'' and ''b''. According to the map, the proposed Upper Hudson AVA falls into zones 5a and 5b. Average minimum temperatures in these zones range from −20 to −15 degrees F. The petition states that these average minimum winter temperatures are cold enough to damage or even kill many varietals of grapes. Therefore, vineyard owners within the proposed AVA plant cold-hardy varietals such as Marquette, Frontenac, La Crescent, and La Crosse, which have been developed to withstand temperatures as low as −30 degrees.

The plant hardiness zone map shows that the regions to the immediate east and west of the proposed Upper Hudson AVA are also classified as zones 5a and 5b. However, the Adirondack and Allegheny mountains farther to the west and northwest of the proposed AVA are classified as zones 3b, 4a, and 4b, meaning that average minimum temperatures in the region are between −35 and −25 degrees F.

The region south of the proposed AVA, which includes the established Hudson River Region AVA, is classified as zones 6a and 6b, with average minimum temperatures between −10 and 0 degrees F. According to the petition, grape varietals commonly grown within the established Hudson River Region AVA include Seyval Blanc, Baco Noir, Cabernet Franc, Pinot Noir, Vignoles, and Traminette. The petition states that according to research conducted at several universities, most of these varietals are cold hardy to −15 degrees F, while Pinot Noir is cold hardy only to −8 degrees F. Because winter temperatures within the proposed Upper Hudson AVA regularly drop as low as −20 degrees, these varietals would not be suitable for growing within the proposed AVA.

Growing Degree Days

The petition included a graph showing the average GDD accumulations for 19 locations within the proposed AVA and the surrounding areas. Six of these locations are within the proposed AVA, and the remainder are from the surrounding areas. The graph may be viewed in its entirety on *Regulations.gov* as part of the public docket, Docket No. TTB–2018–0005. The following table lists only the locations in the graph for which at least 3 years of data was available, as well as the location's direction relevant to the proposed AVA.

LOCATIONS WITH GDD DATA AVAILABLE FROM 2012–2014

Location	Direction from Proposed AVA
Ticonderoga, NY	North.
Rutland, VT	Northeast.
East Dorset, VT	East.
North Adams, MA	Southeast.
Pittsfield, MA	Southeast.
Castleton, NY	South.
Hudson, NY	South.
Cobleskill, NY	Southwest.
North Blenheim, NY	Southwest.
Gloversville, NY	West.
Bennington, VT	West.
Clifton Park, NY	Within.
Melrose, NY	Within.
Schoharie, NY	Within.
Guilderland, NY	Within.
Glens Falls, NY	Within.

The graph included in the petition shows that the locations within the proposed AVA achieved GDD accumulations ranging between 2,300 and 2,700. Guilderland, Melrose, Clifton Park, and Schoharie all had GDD accumulations of over 2,500, which is generally considered to be the minimum GDD accumulations needed to ripen most varietals of grapes [6]. Glens Falls, which is located at the northernmost boundary of the proposed AVA, is shown as having slightly fewer than 2,500 GDDs. According to the petition, the locations within the proposed AVA reach 2,500 GDDs late in September, meaning that the fruit typically has only

[1] *http://water.usgs.gov/lookup/getwatershed?02020001.*

[2] *http://traveltips.usatoday.com/kayaking-upper-hudson-61158.html.*

[3] *http://uhpbk.org.*

[4] *www.the-efa.org/chp/?chp=upperhudson.*

[5] 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, 2d ed. 1974), pages 61–64.

[6] See Albert J. Winkler, *General Viticulture* (Berkeley: University of California Press, 2d ed. 1974), pages 61–64, 143.

a few weeks to continue maturing before the first frost sets in. The petition states that, as a result, wineries often must work with tart fruit and remove the tartness as part of the winemaking process through the use of Malolactic fermentation, pH adjustment, or residual sugars.

By contrast, the graph shows that the locations to the north and south of the proposed AVA have GDD accumulations over 2,700. Ticonderoga is located on the shore of Lake Champlain, and Hudson and Castleton are both located along the tidal portion of the Hudson River. Hudson, the southernmost location shown on the graph, has the highest GDD accumulation of any location depicted in the graph, with just over 2,900. According to the petition, the warming effects of both Lake Champlain and the tidal portion of the Hudson River contribute to the higher GDD accumulations in the regions north and south of the proposed AVA. The graph also shows that these locations all reach 2,500 GDDs earlier in September than the locations within the proposed AVA. The petition states that grapes in these warmer regions have more time to mature before the first frost, so the grapes ''have the tartness removed in the vineyard.''

The remaining locations, to the east, southeast, southwest, and west of the proposed Upper Hudson AVA, all have lower GDD accumulations than the proposed AVA. Of these locations, North Adams and Bennington have the highest GDD accumulations, with just over 2,300. Gloversville had the lowest, with just over 1,700. The petition shows that viticulture in these regions would be difficult because the GDD accumulations would not reach the levels necessary to reliably ripen most varietals of grapes.

Summary of Distinguishing Features

In summary, the evidence provided in the petition indicates that the climate of the proposed Upper Hudson AVA distinguishes it from the surrounding regions in each direction. The proposed AVA has lower GDD accumulations than the regions to the north and south, which benefit from the warming influence of Lake Champlain and the tidal portion of the Hudson River. The region to the south is also classified in a warmer plant hardiness zone. The proposed AVA has higher GDD accumulations than the regions to the east and west and is also classified in a warmer plant hardiness zone than the region to the west. As a result of its climate, the proposed Upper Hudson AVA is suitable for growing cold-hardy grape hybrids, but not the grape varietals that are commonly grown farther south within the established Hudson River Region AVA.

TTB Determination

TTB concludes that the petition to establish the approximately 1,500-square mile Upper Hudson AVA merits consideration and public comment, as invited in this proposed rule.

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, ''Upper Hudson,'' 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, if this proposed rule is adopted as a final rule, wine bottlers using the name ''Upper Hudson'' 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.

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. Please provide any available specific information in support of your comments.

Because of the potential impact of the establishment of the proposed Upper Hudson AVA on wine labels that include the term ''Upper Hudson,'' 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 area 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 proposed rule by using one of the following three methods (please note that TTB has a new address for comments submitted by U.S. Mail):

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this proposed rule within Docket No. TTB–2018–0005 on ''*Regulations.gov*,'' the Federal e-rulemaking portal, at *http://www.regulations.gov.* A direct link to that docket is available under Notice No. 174 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 proposed rule. Your comments must reference Notice No. 174 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 indicate if you are commenting on your own behalf 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 proposed rule, selected supporting materials, and any online or mailed comments received about this proposal within Docket No. TTB–2018–0005 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. 174. 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 proposed rule, 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 any 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 proposed rule.

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. Subpart C is amended by adding § 9.__ to read as follows:

§ 9.__ Upper Hudson.

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

(b) *Approved maps.* The four United States Geological Survey (USGS) 1:100,000 scale topographic maps used to determine the boundary of the Upper Hudson viticultural area are titled:

(1) Glens Falls, New York—Vermont, 1989;

(2) Albany, New York—Massachusetts—Vermont, 1989;

(3) Amsterdam, New York, 1985; photoinspected 1990; and

(4) Gloversville, New York, 1985; photoinspected 1992;

(c) *Boundary.* The Upper Hudson viticultural area is located in Albany, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, and Washington Counties in New York. The boundary of the Upper Hudson viticultural area is as described below:

(1) The point of the beginning is on the Glens Falls map at the intersection of U.S. Highway 9 and State Highway 32, in Glens Falls. From the beginning point, proceed east on State Highway 32 to its intersection with State Highway 254; then

(2) Proceed southeasterly along State Highway 254 to its intersection with U.S. Highway 4 in Hudson Falls; then

(3) Proceed south along U.S. Highway 4 to its intersection with State Highway 197 in Fort Edward; then

(4) Proceed east, then southeast along State Highway 197 to its intersection with State Highway 40 in Argyle; then

(5) Proceed southeast in a straight line to the intersection of State Highway 29 and State Highway 22 in Greenwich Junction; then

(6) Proceed south along State Highway 22, crossing onto the Albany map, to the highway's intersection with State Highway 7 in Hoosick; then

(7) Proceed southwest along State Highway 7, crossing the Hudson River, to the highway's intersection with State Highway 32 in Green Island; then

(8) Proceed south on State Highway 32 to its intersection with U.S. Highway 20 in Albany; then

(9) Proceed west on U.S. Highway 20 its intersection with U.S. Highway 9; then

(10) Proceed southwest along U.S. Highway 9 to its intersection with State Highway 443; then

(11) Proceed southwest, then westerly along State Highway 443, crossing onto the Amsterdam map, to the highway's intersection with an unnamed state highway known locally as State Highway 30 in Vroman Corners; then

(12) Proceed northwesterly along State Highway 30 to its intersection with State Highway 30A in Sidney Corners; then

(13) Proceed north along State Highway 30A, crossing over the Mohawk River, to the highway's intersection with State Highway 5 in Fonda; then

(14) Proceed east along State Highway 5 to its intersection with State Highway 67 in Amsterdam; then

(15) Proceed east along State Highway 67 to its intersection with an unnamed light-duty road known locally as Morrow Road; then

(16) Proceed northeast in a straight line, crossing over the southeastern corner of the Gloversville map and onto the Glens Falls map, to the point where Daly Creek empties into Great Sacandaga Lake; then

(17) Proceed northeast, then east along the southern shore of Great Sacandaga Lake to its confluence with the Hudson River in the town of Lake Luzerne; then

(18) Proceed south, then easterly along the southern bank of the Hudson River to its intersection with U.S. Highway 9 in South Glens Falls; then

(19) Proceed northwest along U.S. Highway 9, crossing the Hudson River, and 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. 2018–07210 Filed 4–6–18; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

31 CFR Parts 30 and 32

Eliminating Unnecessary Regulations

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: Pursuant to the policies stated in Executive Order 13777 (the executive order), the Treasury Department conducted a review of existing regulations, with the goal of reducing regulatory burden by revoking or revising existing regulations that meet the criteria set forth in the executive order. This notice of proposed rulemaking proposes to streamline our regulations by removing one regulation that is no longer necessary because it does not have any current or future applicability, and by amending one regulation to remove portions that no longer have any current or future applicability.

DATES: *Comment due date:* June 8, 2018.

ADDRESSES: Submit comments electronically through the Federal eRulemaking Portal: *http://www.regulations.gov,* or by mail to: The Treasury Department, Attn: Office of the Assistant General Counsel for Banking and Finance, 1500 Pennsylvania Avenue NW, Washington, DC 20220. Because paper mail in the Washington, DC area may be subject to delay, it is recommended that comments be submitted electronically. Please include your name, affiliation, address, email address, and telephone number in your comment. Comments will be available for public inspection on *www.regulations.gov.* In general, comments received, including attachments and other supporting materials, are part of the public record and are available to the public. Do not submit any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Laurie Adams, Office of the Assistant General Counsel for Banking and Finance at (202) 927–8727 or *laurie.adams@treasury.gov.*

SUPPLEMENTARY INFORMATION:

Background

On February 24, 2017, the President issued Executive Order 13777, Enforcing the Regulatory Reform Agenda (82 FR 12285). E.O. 13777 directed each agency to establish a Regulatory Reform Task Force. Each Regulatory Reform Task Force was directed to review existing regulations for regulations that: (i) Eliminate jobs, or inhibit job creation; (ii) are outdated, unnecessary, or ineffective; (iii) impose costs that exceed benefits; (iv) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies; (v) are inconsistent with the requirements of the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act of 2001) or OMB Information Quality Guidance issued pursuant to that provision; or (vi) derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

This notice of proposed rulemaking proposes to remove one regulation and portions of a second regulation that have no current or future applicability and, therefore, no longer provide useful guidance. Removing these regulations from the Code of Federal Regulations will streamline Title 31, Money and Finance: Treasury; and increase clarity of the law. These regulations are proposed to be removed from the Code of Federal Regulations solely because the regulations are outdated and unnecessary.

Explanation of Provisions

The regulations, or portions of regulations, proposed to be removed relate to components of Treasury programs that are no longer in existence. They are: *TARP Standards for Compensation and Corporate Governance,* 31 CFR part 30. The regulations in 31 CFR part 30 set forth standards for the compensation of executives of companies that received capital from Treasury as part of the Troubled Asset Relief Program (TARP) developed under the Emergency Economic Stabilization Act of 2008 (EESA) (12 U.S.C. 5201 *et seq.*). Portions of this rule relate to ''exceptional financial assistance'' that was provided to some of the largest financial institutions in the United States under programs specifically created for those institutions. Other portions of the rule established and provided authority to the Office of the Special Master for TARP Executive Compensation (Special Master). The Special Master was given authority to approve certain payments to employees of TARP recipients receiving exceptional financial assistance, review payments to employees made prior to February 17, 2009, and issue advisory opinions on compensation to TARP recipients.

The TARP program has largely wound down and there are no recipients of exceptional financial assistance left in the TARP program. Additionally, the Special Master had the opportunity to review compensation made prior to February 17, 2009. Given the absence of exceptional financial assistance entities and the current status of the TARP program, the Office of the Special Master for TARP Executive Compensation no longer has any employees. Thus, Treasury proposes that Section 30.16 of 31 CFR part 30 be removed.

Payments in Lieu of Low Income Housing Tax Credits (31 CFR Part 32)

The regulation in 31 CFR part 32 sets forth Treasury's policy regarding the time limitation within which State housing credit agencies must disburse funds received under section 1602 of the American Recovery and Reinvestment Tax Act of 2009. This rule allowed States to disburse section 1602 funds to subawardees through December 31, 2011 under certain conditions.

Treasury no longer awards section 1602 funds to State housing credit

agencies. Thus, Treasury proposes to remove 31 CFR part 32 because no State housing credit agencies hold section 1602 funds and because the time period for disbursement of section 1602 funds to subawardees has expired.

Procedural Matters

This proposed rule is not a significant regulatory action under Executive Order 12866. Therefore, a regulatory assessment is not required. The undersigned certifies that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that this rule would remove outdated and unnecessary regulations and therefore would have no economic impact on any small entities. Accordingly, an analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Notwithstanding this certification, the Department invites comments on any impact this rule would have on small entities.

List of Subjects

31 CFR Part 30

Securities.

31 CFR Part 32

Housing, taxes.

Proposed Amendments to the Regulations

For the reasons stated in the preamble, 31 CFR parts 30 and 32 are proposed to be amended as follows:

PART 30—[AMENDED]

■ 1. The authority citation for part 30 continues to read as follows:

Authority: 12 U.S.C. 5221; 31 U.S.C. 321.

§ 30.16 [Removed]

■ 2. Section 30.16 is removed.

PART 32—PAYMENTS IN LIEU OF LOW INCOME HOUSING TAX CREDITS [REMOVED]

■ 3. Part 32 is removed.

Ryan Brady,

Executive Secretary.

[FR Doc. 2018–07102 Filed 4–6–18; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2017–1054]

RIN 1625–AA08

Special Local Regulation; Chesapeake Bay, between Sandy Point and Kent Island, MD

AGENCY: Coast Guard, DHS.

ACTION: Supplemental notice of proposed rulemaking; reopening of public comment period.

SUMMARY: The Coast Guard proposes to amend its notice of proposed rulemaking and reopen the public comment period for a special local regulation for certain waters of the Chesapeake Bay between Sandy Point, Anne Arundel County, MD and Kent Island, Queen Anne's County, MD, during the Bay Bridge Paddle on June 2, 2018 (rain date of June 3, 2018) published in the **Federal Register** on January 12, 2018. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or Coast Guard Patrol Commander.

DATES: Comments and related material must be received by the Coast Guard on or before May 9, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2017–1054 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

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

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

The Coast Guard published a Notice of Proposed Rulemaking on January 12, 2018 (83 FR 1597), proposing to establish a special local regulation for the Bay Bridge Paddle, on June 2, 2018 (rain date of June 3, 2018). The comment period closed February 12, 2018. The Coast Guard received one comment on the original request for comments.

Subsequent to the Coast Guard publishing the notice of proposed rulemaking, ABC Events, Inc., notified the Coast Guard that as a result of a meeting with the bridge authority a change of the elite paddler race course location is necessary. We are issuing this supplemental proposal to amend the proposed special local regulation to increase the size of the paddle race area, and reopen the comment period to account for this change. The Coast Guard will accept and review any comments received between the close of the comment period and the publication of this supplemental notice of proposed rulemaking.

The purpose of this rulemaking is to protect event participants, spectators and transiting vessels on certain waters of the Chesapeake Bay before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1233, which authorizes the Coast Guard to establish and define special local regulations.

III. Discussion of Proposed Rule

This proposed rule would create a temporary special local regulation on certain waters of the Chesapeake Bay for the Bay Bridge Paddle. This special local regulation would expand the proposed regulated area northward of the north bridge (westbound span) of the William P. Lane, Jr. (US–50/301) Memorial Bridges from that area described in the original published notice of proposed rulemaking. Bridge rehabilitation work along the eastern portion of the north bridge (westbound span) of the William P. Lane, Jr. (US–50/301) Memorial Bridges includes the placement of barges and other marine equipment in the waterway. Allowing the proposed paddling event to proceed along its original race course would adversely affect both the bridge work activities and event participants. The expanded area allows the event planner an alternative to mitigate the risk posed to event participants by altering the race course northward of that area.

The revised proposed regulated area would cover all navigable waters of the Chesapeake Bay, adjacent to the

shoreline at Sandy Point State Park and between and adjacent to the spans of the William P. Lane Jr. Memorial Bridges, from shoreline to shoreline, bounded to the north by a line drawn from the western shoreline at latitude 39°01′05.23″ N, longitude 076°23′47.93″ W; thence eastward to latitude 39°01′02.08″ N, longitude 076°22′40.24″ W; thence southeastward to eastern shoreline at latitude 38°59′13.70″ N, longitude 076°19′58.40″ W; and bounded to the south by a line drawn parallel and 500 yards south of the south bridge span that originates from the western shoreline at latitude 39°00′17.08″ N, longitude 076°24′28.36″ W; thence southward to latitude 38°59′38.36″ N, longitude 076°23′59.67″ W; thence eastward to latitude 38°59′26.93″ N, longitude 076°23′25.53″ W; thence eastward to the eastern shoreline at latitude 38°58′40.32″ N, longitude 076°20′10.45″ W, located between Sandy Point and Kent Island, MD. The duration of the regulated area is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 8 a.m. until 12:30 p.m. paddle race event.

All other regulatory provisions in the original proposed rulemaking remain the same. 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 SNPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the SNPRM has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size and duration of the regulated area, which would impact a small designated area of the Chesapeake Bay for six hours. The Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule would allow vessels to seek permission to enter the regulated area, and vessel traffic would be able to safely transit the regulated area once the COTP Coast Guard Patrol Commander deems it safe to do so.

B. Impact on Small Entities

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

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

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 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 implementation of a temporary special local regulation lasting for 6 hours. The category of water activities includes but is not limited to sail boat regattas, boat parades, power boat racing, swimming events, crew racing, canoe and sail board racing. Normally such actions are categorically excluded from further review under paragraph L[61] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of

Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233; 33 CFR 1.05–1.

■ 2. Add § 100.501T05–1054 to read as follows:

§ 100.501T05–1054 Special Local Regulation; Chesapeake Bay, between Sandy Point and Kent Island, MD.

(a) *Regulated area.* The following location is a regulated area: All navigable waters of the Chesapeake Bay, adjacent to the shoreline at Sandy Point State Park and between and adjacent to the spans of the William P. Lane Jr. Memorial Bridges, from shoreline to shoreline, bounded to the north by a line drawn from the western shoreline at latitude 39°01′05.23″ N, longitude 076°23′47.93″ W; thence eastward to latitude 39°01′02.08″ N, longitude 076°22′40.24″ W; thence southeastward to eastern shoreline at latitude 38°59′13.70″ N, longitude 076°19′58.40″ W; and bounded to the south by a line drawn parallel and 500 yards south of the south bridge span that originates from the western shoreline at latitude 39°00′17.08″ N, longitude 076°24′28.36″ W; thence southward to latitude 38°59′38.36″ N, longitude 076°23′59.67″ W; thence eastward to latitude 38°59′26.93″ N, longitude 076°23′25.53″ W; thence eastward to the eastern shoreline at latitude 38°58′40.32″ N, longitude 076°20′10.45″ W, located between Sandy Point and Kent Island, MD. All coordinates reference North American Datum 83 (NAD 1983).

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

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

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

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

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

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

(3) Persons and vessels desiring to transit, moor, or anchor within the regulated area must first obtain authorization from the COTP Maryland-National Capital Region or Coast Guard Patrol Commander. Prior to the enforcement period, vessels or persons seeking permission to transit, moor, or anchor within the area may contact the COTP Maryland-National Capital Region at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). During the enforcement period, vessels or persons seeking permission to transit, moor, or anchor within the area may contact the Coast Guard Patrol Commander on Marine Band Radio, VHF–FM channel 16 (156.8 MHz) for direction.

(4) The Coast Guard may be assisted in the patrol and enforcement of the regulated area by other Federal, State, and local agencies. The Coast Guard Patrol Commander and official patrol vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz) and channel 22A (157.1 MHz).

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

(d) *Enforcement period.* This section will be enforced from 7 a.m. to 1:30 p.m. on June 2, 2018, and, if necessary due to inclement weather, from 7 a.m. to 1:30 p.m. on June 3, 2018.

Dated: April 4, 2018.

Lonnie P. Harrison, Jr.,

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

[FR Doc. 2018–07196 Filed 4–6–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2018–0093]

RIN 1625–AA08

Special Local Regulation; Choptank River, Cambridge, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish special local regulations for certain waters of the Choptank River. This action is necessary to provide for the safety of life on the navigable waters located at Cambridge, MD during a swim event on May 20, 2018. This proposed rulemaking would prohibit persons and vessels from entering the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or the Coast Guard Patrol Commander. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 9, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0093 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

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

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On January 4, 2018, Cambridge Multi Sport of Cambridge, MD notified the Coast Guard that it will be conducting the Maryland Freedom Swim from 7:30 a.m. until 9 a.m. on May 20, 2018. Details of the planned event were provided by the sponsor to the Coast Guard on February 5, 2018. The open water swim consists of approximately 200 participants competing on a designated 1.75-mile linear course that starts at the beach of Bill Burton Fishing Pier State Park at Trappe, MD, proceeds across the Choptank River along and between the fishing piers and the Senator Frederick C. Malkus, Jr. Memorial (U.S.–50) Bridge, and finishes at the beach of the Dorchester County Visitors Center at Cambridge, MD. Hazards from the swim competition include participants swimming within and adjacent to the designated navigation channel and interfering with vessels intending to operate within that channel, as well as swimming within approaches to local public and private marinas and public boat facilities. The COTP Maryland-National Capital Region has determined that potential hazards associated with the swim would be a safety concern for anyone intending to participate in this event or for vessels that operate within specified waters of the Choptank River.

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

III. Discussion of Proposed Rule

The COTP Maryland-National Capital Region proposes to establish special local regulations from 7 a.m. through 9:30 a.m. on May 20, 2018. There is no alternate date planned for this event. The regulated area would include all navigable waters of the Choptank River, from shoreline to shoreline, within an area bounded on the east by a line drawn from latitude 38°35′14.2″ N, longitude 076°02′33.0″ W, thence south to latitude 38°34′08.3″ N, longitude 076°03′36.2″ W, and bounded on the west by a line drawn from latitude 38°35′32.7″ N, longitude 076°02′58.3″ W, thence south to latitude 38°34′24.7″ N, longitude 076°04′01.3″ W, located at Cambridge, MD. The regulated area is approximately 2,800 yards in length and 900 yards in width. The duration of the regulated area is intended to ensure the safety of event participants and vessels within the specified navigable waters before, during, and after the scheduled 7:30 a.m. to 9 a.m. swim. Except for Maryland Freedom Swim participants, no vessel or person would be permitted to enter the regulated area without obtaining permission from the COTP Maryland-National Capital Region or the Coast Guard Patrol Commander. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, time of day and duration of the regulated area, which would impact a small designated area of the Choptank River for 2.5 hours. The Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule would allow vessel operators to request permission to enter the regulated area for the purpose of safely transiting the regulated area if deemed safe to do so by the Coast Guard Patrol Commander.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the regulated area may be small entities, for the reasons stated in section IV.A above this proposed rule would not have a

significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01, 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 implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area lasting for 2.5 hours. Normally such actions are categorically excluded from further review under paragraph L[61] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233; 33 CFR 1.05–1.

■ 2. Add § 100.501T05–0093 to read as follows:

§ 100.501T05–0093 Special local regulation, Choptank River, Cambridge, MD.

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

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

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

(3) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National

Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

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

(b) *Location.* The following location is a regulated area: All navigable waters of the Choptank River, from shoreline to shoreline, within an area bounded on the east by a line drawn from latitude 38°35′14.2″ N, longitude 076°02′33.0″ W, thence south to latitude 38°34′08.3″ N, longitude 076°03′36.2″ W, and bounded on the west by a line drawn from latitude 38°35′32.7″ N, longitude 076°02′58.3″ W, thence south to latitude 38°34′24.7″ N, longitude 076°04′01.3″ W, located at Cambridge, MD. All coordinates reference Datum NAD 1983.

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

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

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

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

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

(e) *Enforcement period.* This section will be enforced from 7 a.m. through 9:30 a.m. on May 20, 2018.

Dated: April 3, 2018.

Lonnie P. Harrison, Jr.,

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

[FR Doc. 2018–07109 Filed 4–6–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

48 CFR Parts 2402, 2416, 2437, 2442, and 2452

[Docket No. FR–6041–P–01]

RIN 2501–AD85

HUD Acquisition Regulation (HUDAR)

AGENCY: Office of the Chief Procurement Officer, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the HUD Acquisition Regulation (HUDAR) to implement miscellaneous changes. These changes include incorporation of several clauses and associated additions to the HUDAR matrix, replacement of references to Government Technical Representatives (GTRs) with references to Contracting Officer's Representatives (CORs), codification of deviations approved by HUD's Chief Procurement Officer (CPO) and minor corrections to clauses, provisions, and the HUDAR matrix.

DATES: *Comment due date: June 8, 2018.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. Communications and comment submissions must refer to the above docket number and title. There are two methods for submitting public comments.

1. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

2. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make comments immediately available to the public. Comments submitted electronically through the *www.regulations.gov* website can be viewed by other commenters and interested members of the public. To submit comments electronically, commenters should follow the instructions provided on the website.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.

No Facsimile Comments. Facsimile (FAX) comments are not acceptable.

Public Inspection of Public Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at 202–402–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Information Relay Service, toll-free, at 800–877–8339. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Akinsola A. Ajayi, Acting Assistant Chief Procurement Officer for Policy, Systems and Risk Management, Office of the Chief Procurement Officer, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; telephone number 202–708–0294 (this is not a toll-free number), fax number 202–708–8912. Persons with hearing or speech impairments may access Dr. Ajayi's telephone number via TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

The uniform regulation for the procurement of supplies and services by Federal departments and agencies, the Federal Acquisition Regulation (FAR), was promulgated on September 19, 1983 (48 FR 42102). The FAR is codified in title 48, chapter 1, of the Code of Federal Regulations. HUD promulgated its regulation to implement the FAR on March 1, 1984 (49 FR 7696).

The HUDAR (title 48, chapter 24 of the Code of Federal Regulations) is prescribed under section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); section 205(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 121(c)); and the general authorization in FAR 1.301. HUDAR was last revised by final rule published on March 15, 2016 (81 FR 13747).

II. This Proposed Rule

This proposed rule would amend the HUDAR, 48 CFR chapter 24, to propose revising all clause and provision references to the Government Technical Representative or GTR to Contracting Officer's Representative or COR. Accordingly, the definition in 48 CFR 2402.101 of ''Government Technical Representative'' would be removed. Also, the obsolete term ''Government Technical Monitor'' would be removed. HUD is also proposing to codify certain agency-specific clauses, include class deviations in certain clauses, and make several administrative, nonsubstantive corrections, such as typographical corrections and updated applicability dates.

In part 2416, the rule would correct the prescription for 2416.506–70 to change ''provision'' to ''clause,'' instruct the Contracting Officer to insert the clause at 2452.216–77, add prescriptions for clause 2452.216–81 and provision 2452.216–82 to codify agency-specific clauses. These clauses relate to estimated quantities, level of effort and fee payment, and labor categories.

In part 2437, the rule would revise 2437.110(e) to add prescriptions for provision 2452.237–82 and clause 2452.237–83 relating to controlled unclassified information to codify a class deviation previously approved by the CPO on June 18, 2015.

In part 2442, the rule would revise 2442.1107 to codify a class deviation previously approved by the CPO on April 1, 2016, to (1) revise the procurement instruments, types of contracts, and types of services being acquired to those to which the clause will be applicable, (2) adjust the threshold at which the clause becomes applicable, and (3) make other minor changes.

In part 2452, the rule would:

Make minor typographical, nonsubstantive corrections to clauses 2452.203–70, 2452.208–71, 2452.215–70, 2452.216–80, 2452.219–72, 2452.232–70, and 2452.242–71;

Change references to Government Technical Representative or GTR to Contracting Officer's Representative or COR respectively;

Add clause 2452.216–81, Level of Effort and Fee Payment, and clause 2452.216–82, Labor Categories, Requirements, and Estimated Level of Effort. These are previously agency-specific clauses that HUD now wishes to codify. Clause 2452.216–81 provides contractors with the total level of effort to be provided and the method for calculating the fee. Clause 2452.216–82 provides estimated hours and labor categories to assist vendors in developing proposals for immediate requirements; these estimates are not binding upon the Government;

Codify a class deviation approved by the CPO on October 19, 2016, to clause 2452.232–71 at paragraph (b)(2) to require contractors to provide supporting documentation with vouchers that adequately prove the legitimacy and compliance of costs claimed, and the ability to appropriately allocate costs claimed;

Revise clause 2452.237–73 to remove the second sentence of paragraph (b). In the current codification, that sentence relates to notification of a change in status of the Government Technical Representative;

Add provision 2452.237–82, Access to Controlled Unclassified Information (CUI), pursuant to a class deviation previously approved by the CPO on June 18, 2015;

Codify clause 2452.237–83, Access to Controlled Unclassified Information (CUI), pursuant to a class deviation previously approved by the CPO on June 18, 2015;

Pursuant to a class deviation signed by the CPO on October 16, 2015, codify a class deviation to clauses 2452.237–75, Access to HUD Facilities, and 2452.239–70, Access to HUD Systems, to add a requirement for contractors to report the status of PIV cards to the Government on a quarterly basis. Additionally, in 2452.237–75 and 2452.239–70, a definition of ''contract'' is added;

In 2452.246–70, a clause relating to inspection and acceptance of work is added as prescribed in 2446.246–70.

In the matrix, four clauses or provisions are added relating to level of effort and fee payment, labor categories, requirements and estimated level of effort, and access to controlled unclassified information. Additionally, some corrections of ''Provision or Clause'' (P/C) and ''Uniform Contract Format'' (UCF) designations are made.

III. Findings and Certifications

Paperwork Reduction Act Statement

The information collection requirements contained in this proposed rule are being submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number.

The burden of the information collections in this proposed rule is estimated as follows:

REPORTING AND RECORDKEEPING BURDEN

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Annual cost
HUDAR:						
2452.204–70	20	1	20	16	320	$14,080.00
2452.209–70	10	1	10	0.5	5	220.00
2452.209–72	2	1	2	1	2	88.00
2452.215–70	150	1	150	80	12,000	528,000.00
2452.215–70, Alt I	25	1	25	40	1,000	44,000.00
2453.215–72	25	4	100	2	200	8,800.00
2452.216–72	2	4	8	2	16	704.00

REPORTING AND RECORDKEEPING BURDEN—Continued

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Annual cost
2452.216–75	2	4	8	40	320	14,080.00
2452.216–78, Alt II	5	1	5	4	20	880.00
2452.219–70	50	1	50	0.5	25	1,100.00
2452.219–74	1	1	1	16	16	704.00
2452.227–70	5	1	5	40	200	8,800.00
2452.237–70	150	1	150	1	150	6,600.00
2452.237–75 (initial)	100	1	100	8	800	35,200.00
2452.237–75 (report)	100	4	400	8	3,200	140,800.00
2451.237–81	20	1	20	0.5	10	440.00
2452.239–70 (initial)	100	1	100	8	800	35,200.00
2452.239–70 (report)	100	4	400	8	3,200	140,800.00
2452.242–71 (plan)	40	4	160	8	320	14,080.00
2452.242–71 (report)	10	4	40	6	240	10,560.00
2453.227–70	1	1	1	8	8	352.00
Contractor Release	15	1	15	1	15	660.00
Contractor Assignment of Rebates, Credits	1	1	1	1	1	44.00
Total Costs						1,006,192.00

In accordance with 5 CFR 1320.8(d)(1), HUD is soliciting comments from members of the public and affected agencies concerning this collection of information to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Interested persons are invited to submit comments regarding the information collection requirements in this rule. Under the provisions of 5 CFR part 1320, OMB is required to make a decision concerning this collection of information between 30 and 60 days after the publication date. Therefore, a comment on the information collection requirements is best assured of having its full effect if OMB receives the comment within 30 days of the publication date. This time frame does not affect the deadline for comments to the agency on the proposed rule, however. Comments must refer to the proposal by name and docket number (FR–6041–P–01) and must be sent to:

HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Fax number: 202–395–6947

and to one of the two options below:

Ms. Colette Pollard, HUD Reports Liaison Officer, Office of the Chief Information Officer, Department of Housing and Urban Development, 451 7th Street SW, Room 2204, Washington, DC 20410

or

Interested persons may submit comments regarding the information collection requirements electronically via the Federal eRulemaking Portal at *http://www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit comments, ensures timely receipt by HUD, and enables HUD to make comments immediately available to the public. Comments submitted electronically via the *http://www.regulations.gov* website can be viewed by other commenters and interested members of the public. To submit comments electronically, commenters should follow the instructions provided on the website.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. This rule does not impose any Federal mandate on any state, local, or tribal government or the private sector within the meaning of UMRA.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule makes technical changes to existing contracting procedures and does not make any major changes that would significantly impact businesses. Accordingly, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities. Notwithstanding HUD's determination that this rule will not have a significant economic impact on a substantial number of small entities, HUD specifically invites comments regarding less burdensome alternatives to this rule that will meet HUD's objectives as described in this preamble.

Environmental Impact

This proposed rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this proposed rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule would not have federalism implications and would not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

List of Subjects in 48 CFR Parts 2402, 2416, 2437, 2442, and 2452

Government procurement.

For the reasons discussed in the preamble, HUD proposes to amend 48 CFR chapter 24 as follows:

PART 2402—DEFINITIONS OF WORDS AND TERMS

■ 1. The authority citation for part 2402 continues to read as follows:

Authority: 40 U.S.C. 121(c); 42 U.S.C. 3535(d).

2402.101 [Amended]

■ 2. Amend 2402.101 by removing the definitions of ''Government Technical Monitor (GTM)'' and ''Government Technical Representative (GTR)''.

PART 2416—TYPES OF CONTRACTS

■ 3. The authority citation for part 2416 continues to read as follows:

Authority: 40 U.S.C. 121(c); 41 U.S.C. 253; 42 U.S.C. 3535(d).

■ 4. Amend 2416.506–70 by revising paragraph (c) and adding paragraphs (e) and (f) to read as follows:

2416.506–70 Solicitation provisions and contract clauses.

* * * * *

(c) *Estimated quantities—requirements contract.* The Contracting Officer shall insert the clause at 2452.216–77, Estimated Quantities—Requirements Contract, in all solicitations for requirements contracts.

* * * * *

(e) *Level of effort and fee payment.* The Contracting Officer shall insert clause 2452.216–81, Level of Effort and Fee Payment, in all level-of-effort term contracts.

(f) *Labor categories, requirements, and estimated level of effort.* The Contracting Officer shall insert provision 2452.216–82, Labor Categories, Requirements, and Estimated Level of Effort, in all level-of-effort solicitations. Contracting Officer's Representatives will provide the labor descriptions and estimated number of hours. Contracting Officers will obtain wage rate determinations for any classifications covered by the Service Contract Act.

PART 2437—SERVICE CONTRACTING

■ 5. The authority citation for part 2437 continues to read as follows:

Authority: 40 U.S.C. 121(c); 42 U.S.C. 3535(d).

■ 6. Amend 2437.110 by adding paragraphs (e)(7) and (8) to read as follows:

2437.110 Solicitation provisions and contract clauses.

* * * * *

(e) * * *

(7) The Contracting Officer shall insert provision 2452.237–82, Access to Controlled Unclassified Information (CUI), in Section L of solicitations when controlled unclassified information (''CUI''), as defined in the provision, will be provided to potential offerors for the purpose of preparing offers.

(8) The Contracting Officer shall insert clause 2452.237–83 in Section H, Access to Controlled Unclassified Information (CUI), of solicitations and contracts under which contractor and/or subcontractor employees will be granted access to controlled unclassified information (CUI) as defined in the clause.

PART 2442—CONTRACT ADMINISTRATION AND AUDIT SERVICES

■ 7. The authority citation for part 2442 continues to read as follows:

Authority: 40 U.S.C. 121(c); 42 U.S.C. 3535(d).

■ 8. Revise 2442.1107 to read as follows:

2442.1107 Contract clause.

(a) For purposes of clause 2452.242–71, the term ''contract'' shall also include task orders and purchase orders.

(b) The Contracting Officer shall insert a clause substantially the same as the clause at 2452.242–71, Contract Management System, in solicitations and contracts when all of the following conditions apply:

(1) A contract exceeds $1,000,000, including all options; and

(2) The contract is a completion type that requires the delivery of an overall end deliverable or solution (*e.g.,* evaluation, study, model).

(c) To the extent the clause will not normally be included in commercial contracts meeting the requirements stated in paragraphs (a) and (b) of this section, and in instances where the clause is to be incorporated, pursuant to FAR 12.301(f), a waiver to the standard commercial requirements, to include the clause, is not required.

(d) The Contracting Officer shall use the basic clause for cost type, labor-hour, and time and materials contracts for the services described in paragraph (b) of this section. The clause shall be used with its alternate for fixed-price type contracts for the services described in paragraph (b). The Contracting Officer may elect to incorporate the clause into contracts below the established threshold.

(e) The clause is not applicable to contracts that only expend a level of effort without a completion deliverable/product due, *e.g.,* temporary services.

(f) This clause is not applicable to Information Technology service contracts being managed through Earned Value Management techniques that require reporting of Earned Value Management.

PART 2452—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 9. The authority citation for part 2452 continues to read as follows:

Authority: 40 U.S.C. 121(c); 42 U.S.C. 3535(d).

Subpart 2452.2—Texts of Provisions and Clauses

■ 10. Revise 2452.203–70 to read as follows:

2452.203–70 Prohibition against the use of federal employees.

As prescribed in 2403.670, insert the following clause in solicitations and contracts:

PROHIBITION AGAINST THE USE OF FEDERAL EMPLOYEES ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

In accordance with Federal Acquisition Regulation 3.601, contracts are not to be awarded to Federal employees or a business concern or other organization owned or substantially owned or controlled by one or more Federal employees. For the purposes of this contract, this prohibition against the use of Federal employees includes any work performed by the contractor or any of its employees, subcontractors, or consultants.

(End of clause)

■ 11. Revise 2452.208–71 to read as follows:

2452.208–71 Reproduction of reports.

As prescribed in 2408.802–70, insert the following clause in solicitations and

contracts where the contractor is required to produce, as an end product, publications or other written materials:

REPRODUCTION OF REPORTS ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

In accordance with Title I of the Government Printing and Binding Regulations, printing of reports, data or other written material, if required herein, is authorized provided that the material produced does not exceed 5,000 production units of any page and that items consisting of multiple pages do not exceed 25,000 production units in aggregate. The aggregate number of production units is determined by multiplying the number of pages by the number of copies. A production unit is one sheet, size 8.5 by 11 inches or less, printed on one side only and in one color. All copy preparation to produce camera-ready copy for reproduction must be set by methods other than hot metal typesetting. The reports should be produced by methods employing stencils, masters and plates which are to be used on single unit duplicating equipment no larger than 11 by 17 inches with a maximum image of 10¾ by 14¼ inches and are prepared by methods or devices that do not utilize reusable contact negatives and/or positives prepared with a camera requiring a darkroom. All reproducibles (camera ready copies for reproduction by photo offset methods) shall become the property of the Government and shall be delivered to the Government with the report, data, or other written materials.

(End of clause)

■ 12. Amend 2452.215–70 by revising Alternate II to read as follows:

2452.215–70 Proposal content.

* * * * *

Alternate II

As prescribed in 2415.209(a), add the following paragraph (e) when the size of any proposal Part I or Part II will be limited:

PROPOSAL CONTENT ALTERNATE II ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

(e) *Size limits of Parts I and II.* (1) Offerors shall limit submissions of Parts I and II of their initial proposals to the page limitations identified in the Instructions to Offerors. Offerors are cautioned that, if any Part of their proposal exceeds the stipulated limits for that Part, the Government will evaluate only the information contained in the pages up through the permitted number. Pages beyond that limit will not be evaluated.

(2) A page shall consist of one side of a single sheet of 8.5″ x 11″ paper, single spaced, using not smaller than 12-point type font, and having margins at the top, bottom, and sides of the page of no less than one inch in width.

(3) Any exemptions from this limitation are stipulated under the Instructions to Offerors.

(4) Offerors are encouraged to use recycled paper and to use both sides of the paper (see the FAR clause at 52.204–4).

(End of Provision)

■ 13. Revise 2452.216–80 to read as follows:

2452.216–80 Estimated cost and fixed-fee.

As prescribed in 2416.307(b), insert the following clause:

ESTIMATED COST AND FIXED–FEE ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

(a) It is estimated that the total cost to the Government for full performance of this contract will be $_____ [Contracting Officer insert amount], of which $_____ [Contracting Officer insert amount] represents the estimated reimbursable costs, and $_____ [Contracting Officer insert amount] represents the fixed fee.

(b) If this contract is incrementally funded, the following shall apply:

(1) Total funds currently available for payment and allotted to this contract are $_____ [Contracting Officer insert amount], of which _____ [Contracting Officer insert amount] represents the limitation for reimbursable costs and $_____ Contracting Officer insert amount] represents the prorated amount of the fixed fee (see also the clause at FAR 52.232–22, ''Limitation of Funds'' herein).

(2) If and when the contract is fully funded, as specified in paragraph (a) of this clause, the clause at FAR 52.232–20, ''Limitation of Cost,'' herein, shall become applicable.

(3) The Contracting Officer may allot additional funds to the contract up to the total specified in paragraph (a) of this clause without the concurrence of the contractor.

(End of clause)

■ 14. Add 2452.216–81 to read as follows:

2452.216–81 Level of effort and fee payment.

As prescribed in 2416.506–70(f), insert the following clause in all level-of-effort term contracts:

LEVEL OF EFFORT AND FEE PAYMENT ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

(a) The total level of effort to be provided under this contract is ____ hours. The contractor shall be reimbursed for the actual labor costs incurred.

(b) The contractor shall be paid the fixed fee specified in B. ____, Estimated Cost and Fixed Fee, herein, on a prorated basis in proportion to the percentage of the level of effort (LOE) performed at the time of billing in accordance with the following formula:

(Number of acceptable hours delivered) divided by (Total hours in level of effort) X (Total fixed fee) = Fee payment

(*e.g.,* 1,000 hours delivered/10,000 hours (LOE) × $15,000 = $1,500)

(c) In no event shall the amount of fee paid under the contract exceed the total fixed fee specified in B.[ ], Estimated Cost and Fixed Fee, herein.

(End of clause)

■ 15. Add 2452.216–82 to read as follows:

2452.216–82 Labor categories, requirements, and estimated level of effort.

As prescribed in 2416.506–70(g), insert the following provision in all level-of-effort solicitations:

LABOR CATEGORIES, REQUIREMENTS, AND ESTIMATED LEVEL OF EFFORT ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

(a) The Government anticipates that the following categories of labor shall be necessary to provide the services required by any contract resulting from this solicitation. Offerors must provide evidence that proposed staff meet the technical requirements for each category.

(1) [Insert labor titles and technical requirements]

(b) To assist offerors in the preparation of proposals, the Government estimates that the following levels of effort (staff hours) will be necessary to provide the services required by any contract resulting from this solicitation. These estimates are not binding on the Government. Offerors must break out their proposed costs by labor category. The contract performance period is intended to be for a total of [ ] months (a base period of [ ] months with [ ][insert number of options] [ ][insert number of months per option]-month option periods. The actual duration of the base period may be different. Offerors may propose labor at different rates per contract period.

STAFF HOURS

Labor category	Base period	1st option period	2nd option period	3rd option period	4th option period
[Insert titles and estimated number of hours per category]					

(End of provision)

■ 16. Revise 2452.219–72 to read as follows:

2452.219–72 Section 8(a) direct awards.

As prescribed in 2419.811–3(f), insert the following clause:

SECTION 8(A) DIRECT AWARD ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

(a) This contract is issued as a direct award between the Department of Housing and Urban Development (HUD) and the 8(a) Contractor pursuant to a Partnership Agreement (Agreement) between the Small Business Administration (SBA) and HUD. The SBA retains responsibility for 8(a) certification, 8(a) eligibility determinations and related issues, and providing counseling and assistance to the 8(a) contractor under the 8(a) program. The cognizant SBA district office is:

[To be completed by Contracting Officer at time of award].

(b) SBA is the prime contractor and _____ [insert name of 8(a) contractor] is the subcontractor under this contract. Under the terms of the Agreement, HUD is responsible for administering the contract and taking any action on behalf of the Government under the terms and conditions of the contract. However, the HUD Contracting Officer shall give advance notice to the SBA before issuing a final notice terminating performance, either in whole or in part, under the contract. The HUD Contracting Officer shall also coordinate with SBA prior to processing any novation agreement(s). HUD may assign contract administration functions to a contract administration office.

(c) _____ [insert name of 8(a) contractor] agrees:

(1) To notify the HUD Contracting Officer, simultaneously with its notification to SBA (as required by SBA's 8(a) regulations), when the owner or owners upon whom 8(a) eligibility is based, plan to relinquish ownership or control of the concern. Consistent with 15 U.S.C. 637(a)(21), transfer of ownership or control shall result in termination of the contract for convenience, unless SBA waives the requirement for termination prior to the actual relinquishing of ownership or control.

(2) To adhere to the requirements of FAR 52.219–14, ''Limitations on Subcontracting.''

(End of Clause)

■ 17. Revise Alternate II of 2452.232–70 to read as follows:

2452.232–70 Payment schedule and invoice submission (Fixed-Price).

* * * * *

ALTERNATE II ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

As prescribed in HUDAR Section 2432.908(c)(2), replace paragraphs (b)(1) and (2) of the HUDAR Clause 2452.232–70 Payment Schedule and Invoice Submission (Fixed-price) with the following Alternate II language in all fixed price solicitations and contracts when requiring invoices to be submitted electronically to the Department of Treasury's Bureau of Fiscal Services Invoice Processing Platform (IPP) system:

(b) Submission of invoices. (1) The Contractor shall obtain access and submit invoices to the Department of Treasury Bureau of Fiscal Services' Invoice Platform Processing System via the Web at URL: *https://arc.publicdebt.treas.gov/ipp/fsippqrg.htm* in accordance with the instructions on the website. To constitute a proper invoice, the invoice must include all items required by the FAR clause at 52.232–25, ''Prompt Payment.''

(2) To assist the Government in making timely payments, the Contractor is also requested to include on each invoice the appropriation number shown on the contract award document (*e.g.,* block 14 of the Standard Form (SF) 26, block 21 of the SF–33, or block 25 of the SF–1449).

(End of Alternate II)

■ 18. Revise 2452.232–71 to read as follows:

2452.232–71 Voucher submission (cost-reimbursement, time-and-materials, and labor hour).

As prescribed in HUDAR Section 2432.908(c)(3), insert the following clause in all cost-reimbursable, time-and-materials, and labor-hour solicitations and contracts where vouchering and payments will NOT be made through the Department of Treasury's Bureau of Fiscal Services Invoice Processing Platform (IPP) system:

2452.232–71 VOUCHER SUBMISSION (COST–REIMBURSEMENT, TIME-AND-MATERIALS, AND LABOR HOUR) ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

(a) *Voucher submission.* (1) The Contractor shall submit _____ [Contracting Officer insert billing period, *e.g.,* monthly], an original and two copies of each voucher. In addition to the items required by the clause at FAR 52.232–25, Prompt Payment, the voucher shall show the elements of cost for the billing period and the cumulative costs to date. The Contractor shall submit all vouchers, except for the final voucher, as follows: original to the payment office and one copy each to the Contracting Officer and the Contracting Officer's Representative (COR) identified in the contract. The Contractor shall submit all copies of the final voucher to the Contracting Officer.

(2) To assist the Government in making timely payments, the Contractor is requested to include on each voucher the applicable appropriation number(s) shown on the award or subsequent modification document (*e.g.,* block 14 of the Standard Form (SF) 26, or block 21 of the SF–33). The contractor is also requested to clearly indicate on the mailing envelope that a payment voucher is enclosed.

(b) *Contractor remittance information.* (1) The Contractor shall provide the payment office with all information required by other payment clauses contained in this contract.

(2) The Contractor shall submit all necessary supporting documentation with vouchers that adequately demonstrate that costs claimed (1) have been incurred (including time sheets from the prime and subcontractor's automated or manual time tracking records and paid invoices for materials acquired), (2) reflect that they are allocable to the contract tasks, and (3) comply with cost principles in the Federal Acquisition Regulation and HUD Acquisition Regulation. The Contracting Officer may disallow all or part of a claimed cost that is inadequately supported.

(3) For time-and-materials and labor-hour contracts, the Contractor shall aggregate vouchered costs by the individual task for which the costs were incurred and clearly identify the task or job.

(c) *Final payment.* The final payment shall not be made until the Contracting Officer has certified that the Contractor has complied with all terms of the contract.

(End of clause)

ALTERNATE I ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

As prescribed in HUDAR Section 2432.908(c)(3), replace paragraphs (a)(1) and (2) with the following Alternate I paragraphs to HUDAR Clause 2452.232–71, Voucher Submission (Cost Reimbursement, Time-And-Materials, and Labor Hour) in time and material, cost-reimbursable and labor hour solicitations and contracts other than performance-based under which performance-based payments will be used and where invoices are to be submitted electronically by email, but will not be paid through the Department of Treasury's Bureau of Fiscal Services Invoice Processing Platform (IPP) system.

(a) *Voucher submission.* (1) The Contractor shall submit vouchers electronically via email to the email addresses shown on the contract award document (*e.g.,* block 12 of the Standard Form (SF) 26, block 25 of the SF–33, or block 18a of the SF–1449) and carbon copy the Contracting Officer and the Contracting Officer's Representative (COR). In addition to the items required by the clause at FAR 52.232–25, Prompt Payment, the voucher shall show the elements of cost for the billing period and the cumulative costs to date. The Contractor shall clearly include in the Subject line of the email: VOUCHER INCLUDED; CONTRACT/ORDER #: _____ and CONTRACT LINE ITEM NUMBER(S) _____.

(2) To assist the Government in making timely payments, the contractor is requested to include on each voucher the applicable appropriation number(s) shown on the award or subsequent modification document (*e.g.,* block 14 of the Standard Form (SF) 26, or block 21 of the SF–33).

(End of Alternate I)

As prescribed in HUDAR Section 2432.908(c)(3), replace paragraphs (a)(1) and (2) of the HUDAR Clause 2452.232–71, Voucher Submission (Cost-Reimbursement, Time-And-Materials, And Labor Hour) with the following Alternate II language in all cost-reimbursement, time-and-materials, and labor-hour type solicitations and contracts when requiring vouchers to be submitted electronically to the Department of Treasury's Bureau of Fiscal Services Invoice Processing Platform (IPP) system.

ALTERNATE II ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

(a) *Voucher submission.* (1) The Contractor shall obtain access and submit invoices to the

Department of Treasury Bureau of Fiscal Services' Invoice Platform Processing System via the Web at URL: *https://arc.publicdebt.treas.gov/ipp/fsippqrg.htm* in accordance with the instructions on the website. To constitute a proper voucher, in addition to the items required by the clause at FAR 52.232–25, Prompt Payment, the voucher shall show the elements of cost for the billing period and the cumulative costs to date.

(2) To assist the Government in making timely payments, the Contractor is requested to include on each voucher the applicable appropriation number(s) shown on the award or subsequent modification document (*e.g.,* block 14 of the Standard Form (SF) 26, or block 21 of the SF–33).

(End of Alternate II)

■ 19. Revise 2452.237–73 to read as follows:

2452.237–73 Conduct of work and technical guidance.

As prescribed in 2437.110(e)(2), insert the following clause in all contracts for services:

CONDUCT OF WORK AND TECHNICAL GUIDANCE ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

(a) The Contracting Officer will provide the contractor with the name and contact information of the Contracting Officer's Representative (COR) assigned to this contract. The COR will serve as the Contractor's liaison with the Contracting Officer with regard to the conduct of work. The Contracting Officer will notify the Contractor in writing of any change to the current COR's status or the designation of a successor COR.

(b) The COR for liaison with the Contractor as to the conduct of work is [to be inserted at time of award] or a successor designated by the Contracting Officer.

(c) The COR will provide guidance to the Contractor on the technical performance of the contract. Such guidance shall not be of a nature which:

(1) Causes the Contractor to perform work outside the statement of work or specifications of the contract;

(2) Constitutes a change as defined in FAR 52.243–1;

(3) Causes an increase or decrease in the cost of the contract;

(4) Alters the period of performance or delivery dates; or

(5) Changes any of the other express terms or conditions of the contract.

(d) The COR will issue technical guidance in writing or, if issued orally, he/she will confirm such direction in writing within five (5) calendar days after oral issuance. The COR may issue such guidance via telephone, facsimile (fax), or electronic mail.

(e) Other specific limitations [to be inserted by Contracting Officer]:

(f) The Contractor shall promptly notify the Contracting Officer whenever the Contractor believes that guidance provided by any government personnel, whether or not specifically provided pursuant to this clause, is of a nature described in paragraph (b) of this clause.

(End of clause)

■ 20. Revise 2452.237–75 to read as follows:

2452.237–75 Access to HUD facilities.

As prescribed in 2437.110(e)(3), insert the following clause in solicitations and contracts:

ACCESS TO HUD FACILITIES ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

(a) *Definitions.* As used in this clause—

''Access'' means physical entry into and, to the extent authorized, mobility within a Government facility.

''Contract'' means any authorized contractual instrument, including, but not restricted to, task orders, purchase orders, Blanket Purchase Agreement calls, etc.

''Contractor employee'' means an employee of the prime contractor or of any subcontractor, affiliate, partner, joint venture, or team members with which the Contractor is associated. It also includes consultants engaged by any of those entities.

''Facility'' and ''Government facility'' mean buildings, including areas within buildings that are owned, leased, shared, occupied, or otherwise controlled by the Federal Government.

''NACI'' means National Agency Check with Inquiries, the minimum background investigation prescribed by the U.S. Office of Personnel Management.

''PIV Card'' means the Personal Identity Verification (PIV) Card, the Federal Government-issued identification credential (identification badge).

(b) *General.* The performance of this contract requires contractor employees to have access to HUD facilities. All such employees who do not already possess a current PIV Card acceptable to HUD shall be required to provide personal background information, undergo a background investigation (NACI or other OPM-required or approved investigation), including an FBI National Criminal History Fingerprint Check, and obtain a PIV Card prior to being permitted access to any such facility in the performance of this contract.

Unescorted access to any such facility in performance of this contract. HUD may accept a PIV Card issued by another Federal Government agency, but shall not be required to do so. No contractor employee will be permitted unescorted access to a HUD facility without a proper PIV Card.

(c) *Background information.* (1) For each contractor employee subject to the requirements of this clause and not in possession of a current PIV Card acceptable to HUD, the Contractor shall submit the following properly completed forms: Electronic Standard Form (SF) 85, ''Questionnaire for Non-Sensitive Positions via e-QIP,'' completed USAccess enrollment (electronic fingerprinting) and Optional Form (OF) 306 (Items 1 through 17). Forms SF–85 and OF–306 are available from OPM's website, *http://www.opm.gov.* The electronic questionnaire is available on OPM's e-QIP site, *https://www.opm.gov/investigations/e-qip-application/.* The COR will provide all other forms that are not obtainable via the internet.

(2) The Contractor shall deliver the forms and information required in paragraph (c)(1) of this clause to the COR as secure as possible.

(3) The information provided in accordance with paragraph (c)(1) of this clause will be used to perform a background investigation to determine the suitability of the contractor employees to have access to Government facilities. After completion of the investigation, the COR will notify the Contractor in writing when any contractor employee is determined to be unsuitable for access to a Government facility. The Contractor shall immediately remove such employee(s) from work on this contract that requires physical presence in a Government facility.

(4) Affected contractor employees who have had a Federal background investigation without a subsequent break in Federal employment or Federal contract service exceeding 2 years may be exempt from the investigation requirements of this clause subject to verification of the previous investigation. For each such employee, the Contractor shall submit the following information in lieu of the forms and information listed in paragraph (c)(1) of this clause: completed PIV and Pre-Security Form.

(d) *PIV Cards.* (1) HUD will issue a PIV Card to each contractor employee who is to be given access to HUD facilities and who does not already possess a PIV Card acceptable to HUD (see paragraph (b) of this clause). HUD will not issue the PIV Card until the contractor employee has (1) successfully cleared the FBI National Criminal History Fingerprint Check, (2) HUD has initiated the background investigation for the contractor employee, and (3) a Security Approval Notice from HUD PSD via *PSDContractorIn-box@hud.gov* has been received. Initiation is defined to mean that all background information required in paragraph (c)(1) of this clause has been delivered to HUD. The employee may not be given access prior to those three events. HUD may issue a PIV Card and grant access pending the completion of the background investigation. HUD will revoke the PIV Card and the employee's access if the background investigation process for the employee, including adjudication of the investigation results, has not been completed within 6 months after the issuance of the PIV Card.

(2) PIV Cards shall identify individuals as contractor employees. Contractor employees shall display their PIV Cards on their persons at all times while working in a HUD facility, and shall present cards for inspection upon request by HUD officials or HUD security personnel.

(3) The Contractor shall be responsible for all PIV Cards issued to the Contractor's employees and shall immediately notify the COR if any PIV Card(s) cannot be accounted for. The Contractor shall promptly return PIV Cards to HUD, as required by the FAR clause at 52.204–9. The Contractor shall notify the COR immediately whenever any contractor

employee no longer has a need for his/her HUD-issued PIV Card (*e.g.,* employee terminates employment with the contractor, employee's duties no longer require access to HUD facilities). The COR will instruct the Contractor on how to return the PIV Card, and upon expiration of this contract, the COR will instruct the Contractor on how to return all HUD-issued PIV Cards not previously returned. Unless otherwise directed by the Contracting Officer, the Contractor shall not return PIV Cards to any person other than the COR.

(4) The Contractor shall submit a report to the Contracting Officer and COR no later than five (5) calendar days after the end of each calendar quarter that provides the status of each employee who is required to work in a HUD facility during the performance of the contract. At a minimum, the report shall identify the contractor and the contract number, and list for each employee the following information:

(i) Employee name;

(ii) Name of HUD facility where employee works;

(iii) Date background check submitted;

(iv) Date PIV Card issued;

(v) PIV card number;

(vi) Date employee no longer has need of the HUD PIV Card;

(vii) Date Contracting Officer and COR were notified that employee no longer had need of the HUD PIV Card; and

(viii) Date PIV Card was returned to COR.

(e) *Control of access.* HUD shall have, and exercise, complete control over granting, denying, withholding, and terminating access of contractor employees to HUD facilities. The COR will notify the Contractor immediately when HUD has determined that an employee is unsuitable or unfit to be permitted access to a HUD facility. The Contractor shall immediately notify such employee that he/she no longer has access to any HUD facility, remove the employee from any such facility that he/she may be in, and provide a suitable replacement in accordance with the requirements of this clause.

(f) *Access to HUD information systems.* If this contract requires contractor employees to have access to HUD information system(s), application(s), or information contained in such systems, the Contractor shall comply with all requirements of HUDAR clause 2452.239–70, Access to HUD Systems, including providing for each affected employee any additional background investigation forms prescribed in that clause.

(g) *Subcontracts.* The Contractor shall incorporate this clause in all subcontracts where the requirements specified in paragraph (b) of this section are applicable to performance of the subcontract.

(End of clause)

■ 21. Add 2452.237–82 to read as follows:

2452.237–82 Access to controlled unclassified information (CUI).

As prescribed in HUDAR 2437.110(e)(7), the Contracting Officer shall insert provision 2452.237–82 in Section L of solicitations when controlled unclassified information (CUI), as defined in the provision, will be provided to potential offerors for the purpose of preparing offers.

ACCESS TO CONTROLLED UNCLASSIFIED INFORMATION (CUI) ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

(a) For the sole purpose of preparing an offer in response to this solicitation, HUD may make certain controlled unclassified information (CUI) available to prospective offerors.

(b) CUI:

(1) Is any information which the loss, misuse, or modification of, or unauthorized access to, could adversely affect the national interest or the conduct of Federal programs or the privacy to which individuals are entitled under section 552a of title 5, United States Code (the Privacy Act), but which has not been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept secret in the interest of national defense or foreign policy;

(2) Is not available to the general public;

(3) May include:

(i) Government acquisition-sensitive information, including source selection information as defined at section 2.101 of the Federal Acquisition Regulation (48 CFR chapter 1); contractor bid or proposal information;

(ii) Information contained in individual contracts that is not public information and such contract information that is contained in Government databases; proprietary economic, financial, or business information (*e.g.,* salary information) provided to the Government by other parties (*e.g.,* other contractors) or belonging to HUD;

(iii) Personally identifiable information (PII) that includes, but is not limited to, Social Security numbers, names, dates of birth, places of birth, parents' names, credit card numbers, applications for entitlements, and information relating to a person's private financial, income, employment, and tax records; and

(iv) Other information that the HUD Contracting Officer (CO) or other authorized HUD employee explicitly identifies as CUI.

(4) May exist in various physical media (*e.g.,* paper, electronic file, audio, or video disc), may be transmitted orally, developed under or pre-exist any related contract, and may be in its original form, or a derivative form (*i.e.,* where the information has been included in contractor-generated work, or where it is discernible from materials incorporating or based upon such information).

(c) As a prior condition to being provided access to any CUI, each prospective offeror shall execute the following nondisclosure agreements and deliver the executed agreements to the Contracting Officer:

(1) Nondisclosure Agreement between the Department of Housing and Urban Development (''HUD'') and Offeror Granting Conditional Access to Controlled Unclassified Information (''Offeror Agreement'') (see Attachment J-____ [*contracting officer insert attachment number*]). This agreement must be executed by an officer or other representative of the company authorized to bind the firm to the commitments made by the agreement and the individual nondisclosure agreements executed by those offeror employees or representatives to whom the sensitive information will be provided.

(2) Nondisclosure Agreement between the Department of Housing and Urban Development and Offeror Employee or Other External Party Granting Conditional Access to Controlled Unclassified Information (''Nondisclosure Agreement'') (see Attachment J____ [*contracting officer insert attachment number*]). A separate agreement must be executed by each person to whom access to CUI will be provided, regardless of whether HUD or the Offeror provides such access. The offeror is responsible for ensuring that each individual who is provided access to CUI executes a nondisclosure agreement.

(3) NDAs must be submitted to the CO and COR within ten (10) days after contract award or as otherwise specified by the CO.

(d) CUI will be provided to prospective offerors as follows: [*describe how information will be provided including: the party responsible for providing access to information, the procedure for obtaining access, and the format in which the information is contained; e.g., ''by the contracting officer on compact disk (CD) at the pre-proposal meeting*].

(e) The offeror's failure to comply with any part of this provision or with the terms of the required nondisclosure agreements may disqualify the offeror for consideration of any contract awarded under this solicitation.

(End of Provision)

■ 22. Add 2452.237–83 to read as follows:

2452.237–83 Access to controlled unclassified information (CUI).

As prescribed in HUDAR 2437.110(e)(8), the Contracting Officer shall insert clause 2452.237–83 in Section H of solicitations and contracts under which contractor and/or subcontractor employees will be granted access to controlled unclassified information as defined in the clause.

ACCESS TO CONTROLLED UNCLASSIFIED INFORMATION (CUI) ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

(a) For the sole purpose of performing work required under this contract, the contracting officer may grant the contractor–including contractor employees, subcontractors, and subcontractor employees–access to controlled unclassified information (CUI).

(b) CUI:

(1) Is any information which the loss, misuse, or modification of, or unauthorized access to, could adversely affect the national interest or the conduct of Federal programs or the privacy to which individuals are entitled under section 552a of title 5, United States Code (the Privacy Act), but which has not been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept secret in the interest of national defense or foreign policy;

(2) Is not available to the general public;

(3) May include:

(i) Government acquisition-sensitive information, including source selection information as defined at section 2.101 of the Federal Acquisition Regulation (48 CFR chapter 1); contractor bid or proposal information;

(ii) Information contained in individual contracts that is not public information and such contract information that is contained in Government databases; proprietary economic, financial, or business information (*e.g.,* salary information) provided to the Government by other parties (*e.g.,* other contractors) or belonging to HUD;

(iii) Personally identifiable information (PII) that includes, but is not limited to social security numbers, names, dates of birth, places of birth, parents' names, credit card numbers, applications for entitlements, and information relating to a person's private financial, income, employment, and tax records; and

(iv) Other information that the HUD contracting officer or other authorized HUD employee explicitly identifies as CUI; and

(4) May exist in various physical media (*e.g.,* paper, electronic file, audio or video disc) or be transmitted orally, may be developed under or pre-exist any related contract, and may be in its original form or a derivative form (*i.e.,* where the information has been included in contractor-generated work, or where it is discernible from materials incorporating or based upon such information).

(c) As a prior condition to being provided access to any CUI, each contractor or subcontractor employee shall execute the nondisclosure agreement in attachment J.____ [*contracting officer insert attachment number*] to this contract and deliver the executed agreement to the contracting officer.

(d) The contractor shall include this clause in all subcontracts.

(e) The contractor's failure to comply with any part of this clause or with the terms of the required nondisclosure agreements may result in the termination of this contract for default.

(End of Clause)

■ 23. Revise 2452.239–70 to read as follows:

2452.239–70 Access to HUD systems.

As prescribed in 2439.107(a), insert the following clause:

ACCESS TO HUD SYSTEMS ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

(a) *Definitions.* As used in this clause—

''Access'' means the ability to obtain, view, read, modify, delete, and/or otherwise make use of information resources.

''Application'' means the use of information resources (information and information technology) to satisfy a specific set of user requirements (see Office of Management and Budget (OMB) Circular A–130).

''Contract'' means any authorized contractual instrument, including, but not restricted to, task orders, purchase orders, Blanket Purchase Agreement calls, etc.

''Contractor employee'' means an employee of the prime contractor or of any subcontractor, affiliate, partner, joint venture, or team members with which the Contractor is associated. It also includes consultants engaged by any of those entities.

''Mission-critical system'' means an information technology or telecommunications system used or operated by HUD or by a HUD contractor, or organization on behalf of HUD, that processes any information, the loss, misuse, disclosure, or unauthorized access to, or modification of which would have a debilitating impact on the mission of the agency.

''NACI'' means a National Agency Check with Inquiries, the minimum background investigation prescribed by the Office of Personnel Management (OPM).

''PIV Card'' means the Personal Identity Verification (PIV) Card, the Federal Government-issued identification credential (*i.e.,* identification badge).

''Sensitive information'' means any information of which the loss, misuse, or unauthorized access to, or modification of, could adversely affect the national interest, the conduct of Federal programs, or the privacy to which individuals are entitled under section 552a of title 5, United States Code (the Privacy Act), but which has not been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept secret in the interest of national defense or foreign policy.

''System'' means an interconnected set of information resources under the same direct management control, which shares common functionality. A system normally includes hardware, software, information, data, applications, communications, and people (see OMB Circular A–130). System includes any system owned by HUD or owned and operated on HUD's behalf by another party.

(b) *General.* (1) The performance of this contract requires contractor employees to have access to a HUD system or systems. All such employees who do not already possess a current PIV Card acceptable to HUD shall be required to provide personal background information, undergo a background investigation (NACI or other OPM-required or approved investigation), including an FBI National Criminal History Fingerprint Check, and obtain a PIV Card prior to being permitted access to any such system in performance of this contract. HUD may accept a PIV Card issued by another Federal Government agency, but shall not be required to do so. No contractor employee will be permitted access to any HUD system without a PIV Card.

(2) All contractor employees who require access to mission-critical systems or sensitive information contained within a HUD system or application(s) are required to have a more extensive background investigation. The investigation shall be commensurate with the risk and security controls involved in managing, using, or operating the system or applications(s).

(c) *Citizenship-related requirements.* Each affected contractor employee as described in paragraph (b) of this clause shall be:

(1) A United States (U.S.) citizen; or,

(2) A national of the United States (see 8 U.S.C. 1408); or,

(3) An alien lawfully admitted into, and lawfully permitted to be employed in the United States, provided that for any such individual, the Government is able to obtain sufficient background information to complete the investigation as required by this clause. Failure on the part of the contractor to provide sufficient information to perform a required investigation or the inability of the Government to verify information provided for affected contractor employees will result in denial of their access.

(d) *Background investigation process.* (1) The Contracting Officer's Representative (COR) shall notify the contractor of those contractor employee positions requiring background investigations.

(i) For each contractor employee requiring access to HUD information systems, the contractor shall submit the following properly completed forms: Electronic Standard Form (SF) 85, ''Questionnaire for Non-sensitive Positions'' via e-QIP, completed USAccess enrollment (electronic fingerprinting) and Optional Form (OF) 306 (Items 1 through 17). The SF–85 and OF–306 are available from the OPM website, *http://www.opm.gov.* The electronic questionnaire is available on OPM's e-QIP site, *https://www.opm.gov/investigations/e-qip-application/.*

(ii) For each contractor employee requiring access to mission-critical systems and/or sensitive information contained within a HUD system and/or application(s), the Contractor shall submit the following properly completed forms: Electronic SF–85P, ''Questionnaire for Public Trust Positions'' via e-QIP;'' Electronic Standard Form (SF) 85, ''Questionnaire for Non-sensitive Positions via e-QIP,'' completed USAccess enrollment (electronic fingerprinting) and Optional Form (OF) 306 (Items 1 through 17). The SF–85 and OF–306 are available from the OPM website, *http://www.opm.gov.* The Electronic questionnaire is available on OPM's e-QIP site, *https://www.opm.gov/investigations/e-qip-application/;* and a Fair Credit Reporting Act form (authorization for the credit-check portion of the investigation). Contractor employees shall complete the Medical Release behind the SF–85P.

(iii) The electronic questionnaires (e-QIP) SF–85, 85P, and OF–306 are available from OPM's websites *https://www.opm.gov/investigations/e-qip-application/* and *http://www.opm.gov.* The COR will provide all other forms that are not obtainable via the internet.

(2) The Contractor shall deliver the forms and information required in paragraph (d)(1) of this clause to the COR as securely as possible.

(3) Affected contractor employees who have had a Federal background investigation without a subsequent break in Federal employment or Federal contract service exceeding 2 years may be exempt from the investigation requirements of this clause, subject to verification of the previous investigation. For each such employee, the Contractor shall submit the following information in lieu of the forms and information listed in paragraph (d)(1) of this clause: PIV and Pre-Security Form.

(4) The investigation process shall consist of a range of personal background inquiries and contacts (written and personal) and verification of the information provided on the investigative forms described in paragraph (d)(1) of this clause.

(5) Upon completion of the investigation process, the COR will notify the Contractor if any contractor employee is determined to be unsuitable to have access to the system(s), application(s), or information. Such an employee may not be given access to those resources. If any such employee has already been given access pending the results of the background investigation, the Contractor shall ensure that the employee's access is revoked immediately upon receipt of the COR's notification.

(6) Failure of the COR to notify the Contractor (see paragraph (d)(1) of this clause) of any employee who should be subject to the requirements of this clause and is known, or should reasonably be known, by the Contractor to be subject to the requirements of this clause, shall not excuse the Contractor from making such employee(s) known to the COR. Any such employee who is identified and is working under the contract, without having had the appropriate background investigation or furnished the required forms for the investigation, shall cease to perform such work immediately and shall not be given access to the system(s)/application(s) described in paragraph (b) of this clause until the Contractor has provided the investigative forms to the COR for the employee, as required in paragraph (d)(1) of this clause.

(7) The Contractor shall notify the COR in writing whenever a contractor employee for whom a background investigation package was required and submitted to HUD, or for whom a background investigation was completed, terminates employment with the Contractor or otherwise is no longer performing work under this contract that requires access to the system(s), application(s), or information. The Contractor shall provide a copy of the written notice to the Contracting Officer.

(e) *PIV Cards.* (1) HUD will issue a PIV Card to each contractor employee who is to be given access to HUD systems and does not already possess a PIV Card acceptable to HUD (see paragraph (b) of this clause). HUD will not issue the PIV Card until the contractor employee has (1) successfully cleared an FBI National Criminal History Fingerprint Check, (2) HUD has initiated the background investigation for the contractor employee, and (3) a Security Approval Notice from HUD PSD via *PSDContractorIn-box@hud.gov* has been received. Initiation is defined to mean that all background information required in paragraph (d)(1) of this clause has been delivered to HUD. The employee may not be given access prior to those three events. HUD may issue a PIV Card and grant access pending the completion of the background investigation. HUD will revoke the PIV Card and the employee's access if the background investigation process for the employee, including adjudication of the investigation results, has not been completed within 6 months after the issuance of the PIV Card.

(2) PIV Cards shall identify individuals as contractor employees. Contractor employees shall display their PIV Cards on their persons at all times while working in a HUD facility, and shall present cards for inspection upon request by HUD officials or HUD security personnel.

(3) The Contractor shall be responsible for all PIV Cards issued to the Contractor's employees and shall immediately notify the COR if any PIV Card(s) cannot be accounted for. The Contractor shall promptly return PIV Cards to HUD as required by the FAR clause at 52.204–9. The Contractor shall notify the COR immediately whenever any contractor employee no longer has a need for his/her HUD-issued PIV Card (*e.g.,* the employee terminates employment with the Contractor, the employee's duties no longer require access to HUD systems). The COR will instruct the Contractor as to how to return the PIV Card. Upon expiration of this contract, the COR will instruct the Contractor as to how to return all HUD-issued PIV Cards not previously returned. Unless otherwise directed by the Contracting Officer, the Contractor shall not return PIV Cards to any person other than the COR.

(4) The Contractor shall submit a report to the Contracting Officer and COR no later than five (5) calendar days after the end of each calendar quarter that provides the status of each employee who is required to work in a HUD facility during the performance of the contract. At a minimum, the report shall identify the Contractor and the contract number, and list for each employee the following information:

(i) Employee name;

(ii) Name of HUD facility where employee works;

(iii) Date background check submitted;

(iv) Date PIV Card issued;

(v) PIV card number;

(vi) Date employee no longer has need of the HUD PIV Card;

(vii) Date Contracting Officer and COR were notified that employee no longer has need of the HUD PIV Card; and

(viii) Date PIV Card returned to COR.

(f) *Control of access.* HUD shall have and exercise full and complete control over granting, denying, withholding, and terminating access of contractor employees to HUD systems. The COR will notify the Contractor immediately when HUD has determined that an employee is unsuitable or unfit to be permitted access to a HUD system. The Contractor shall immediately notify such employee that he/she no longer has access to any HUD system, physically retrieve the employee's PIV Card from the employee, and provide a suitable replacement employee in accordance with the requirements of this clause.

(g) *Incident response notification.* An incident is defined as an event, either accidental or deliberate, that results in unauthorized access, loss, disclosure, modification, or destruction of information technology systems, applications, or data. The contractor shall immediately notify the COR and the Contracting Officer of any known or suspected incident, or any unauthorized disclosure of the information contained in the system(s) to which the Contractor has access.

(h) *Nondisclosure of information.* (1) Neither the Contractor nor any of its employees shall divulge or release data or information developed or obtained during performance of this contract, except to authorized Government personnel with an established need to know, or upon written approval of the Contracting Officer. Information contained in all source documents and other media provided by HUD is the sole property of HUD.

(2) The contractor shall require that all employees who may have access to the system(s)/applications(s) identified in paragraph (b) of this clause sign a pledge of nondisclosure of information. The employees shall sign these pledges before they are permitted to perform work under this contract. The contractor shall maintain the signed pledges for a period of 3 years after final payment under this contract. The contractor shall provide a copy of these pledges to the COR.

(i) *Security procedures.* (1) The Contractor shall comply with applicable Federal and HUD statutes, regulations, policies, and procedures governing the security of the system(s) to which the Contractor's employees have access including, but not limited to:

(i) The Federal Information Security Management Act (FISMA);

(ii) Office of Management and Budget (OMB) Circular A–130, Management of Federal Information Resources, Appendix III, Security of Federal Automated Information Resources;

(iii) HUD Handbook 2400.25, Information Technology Security Policy;

(iv) HUD Handbook 732.3, Personnel Security/Suitability;

(v) Federal Information Processing Standards 201 (FIPS 201), Sections 2.1 and 2.2;

(vi) Homeland Security Presidential Directive 12 (HSPD–12); and

(vii) OMB Memorandum M–05–24, Implementing Guidance for HSPD–12.

The HUD Handbooks are available online at: *http://www.hud.gov/offices/adm/hudclips/* or from the COR.

(2) The Contractor shall develop and maintain a compliance matrix that lists each requirement set forth in paragraphs (b), (c), (d), (e), (f), (g), (h), (i)(1), and (m) of this clause with specific actions taken, and/or procedures implemented, to satisfy each requirement. The contractor shall identify an accountable person for each requirement, the date upon which actions/procedures were initiated/completed, and certify that information contained in this compliance matrix is correct. The Contractor shall ensure that information in this compliance matrix is complete, accurate, and up-to-date at all times for the duration of this contract. Upon request, the Contractor shall provide copies of the current matrix to HUD.

(3) The Contractor shall ensure that its employees, in performance of the contract, receive annual training (or once if the contract is for less than one year) in HUD information technology security policies, procedures, computer ethics, and best practices in accordance with HUD Handbook 2400.25.

(j) *Access to contractor's systems.* The Contractor shall afford HUD, including the Office of Inspector General, access to the Contractor's facilities, installations, operations, documentation (including the compliance matrix required under paragraph (i)(2) of this clause), databases, and personnel used in performance of the contract. Access shall be provided to the extent required to carry out, but not limited to, any information security program activities, investigation, and audit to safeguard against threats and hazards to the integrity, availability, and confidentiality of HUD data and systems, or to the function of information systems operated on behalf of HUD, and to preserve evidence of computer crime.

(k) *Contractor compliance with this clause.* Failure on the part of the Contractor to comply with the terms of this clause may result in termination of this contract for default.

(l) *Physical access to Federal Government facilities.* The Contractor and any subcontractor(s) shall also comply with the requirements of HUDAR clause 2452.237–75 when the Contractor's or subcontractor's employees will perform any work under this contract on site in a HUD or other Federal Government facility.

(m) *Subcontracts.* The Contractor shall incorporate this clause in all subcontracts where the requirements specified in paragraph (b) of this clause are applicable to performance of the subcontract.

(End of clause)

■ 24. Amend 2452.242–71 by revising the introductory text and main clause to read as follows:

2452.242–71 Contract management system.

As prescribed in 2442.1107, insert the following clause:

CONTRACT MANAGEMENT SYSTEM ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

(a) The Contractor shall use contract management baseline planning and progress reporting as described herein.

(b) The contract management system shall consist of two parts:

(1) *Baseline plan.* The baseline plan shall consist of:

(i) A narrative portion that:

(A) Identifies each task and significant activity required for completing the contract work, critical path activities, task dependencies, task milestones, and related deliverables;

(B) Describes the contract schedule, including the period of time needed to accomplish each task and activity (see paragraph (b)(1)(ii)(B) of this clause);

(C) Describes staff (*e.g.,* hours per individual), financial, and other resources allocated to each task and significant activity; and

(D) Provides the rationale for contract work organization and resource allocation.

(ii) A graphic portion showing:

(A) Cumulative planned or budgeted costs of work scheduled for each reporting period over the life of the contract (*i.e.,* the budgeted baseline); and

(B) The planned start and completion dates of all planned and budgeted tasks and activities.

(2) *Progress reports.* Progress reports shall consist of:

(i) A narrative portion that:

(A) Provides a brief, concise summary of technical progress made and the costs incurred for each task during the reporting period; and

(B) Identifies problems, or potential problems, that will affect the contract's cost or schedule, the causes of the problems, and the Contractor's proposed corrective actions.

(ii) A graphic portion showing:

(A) The original time-phased, budgeted baseline;

(B) The schedule status and degree of completion of the tasks, activities, and deliverables shown in the baseline plan for the reporting period, including actual start and completion dates for all tasks and activities in the baseline plan; and

(C) The costs incurred during the reporting period, the current total amount of costs incurred through the end date of the reporting period for budgeted work, and the projected costs required to complete the work under the contract.

(3) *Reporting frequency.* The reports described in paragraph (b)(2) of this clause shall be submitted [insert period, *e.g.,* monthly, quarterly, or schedule based on when payments will be made under the contract].

(c) The formats, forms, and/or software to be used for the contract management system under this contract shall be [Contracting Officer insert appropriate language, such as ''as prescribed in the schedule;'' ''a format, forms and/or software designated by the COR'' or, ''the Contractor's own format, forms and/or software, subject to the approval of the COR.'']

(d) When this clause applies to individual task orders under the contract, the word ''contract'' shall mean ''task order.''

(End of clause)

* * * * *

■ 25. Revise 2452.246–70 to read as follows:

2452.246–70 Inspection and acceptance.

As prescribed in 2446.502–70, insert the following clause in all solicitations and contracts:

INSPECTION AND ACCEPTANCE ([ABBREVIATED MONTH AND YEAR OF DATE OF PUBLICATION OF FINAL RULE])

Inspection and acceptance of all work required under this contract shall be performed by the Contracting Officer's Representative (COR) or other individual as designated by the Contracting Officer or COR.

(End of clause)

■ 26. Revise 2452.3 to read as follows:

2452.3 Provision and clause matrix.

BILLING CODE 4210–67–P

HUDAR Matrix

Key:					
Type of Contract:					
P/C	=	Provision or Clause	DDR	=	Dismantling, Demolition, or Removal of Improvements
			A&E	=	Architect-Engineering
UCF	=	Uniform Contract Format Section, when Applicable	FAC	=	Facilities
FP SUP	=	Fixed-Price Supply	IND DEL	=	Indefinite Delivery
CR SUP	=	Cost-Reimbursement Supply	TRN	=	Transportation
FP R&D	=	Fixed-Price Research & Development	SAP	=	Simplified Acquisition Procedures (excluding micro-purchase)
CR R&D	=	Cost Reimbursement Research & Development	UTL SVC	=	Utility Services
FP SVC	=	Fixed-Price Service	CI	=	Commercial Items
CR SVC	=	Cost Reimbursement Service			
FP CON	=	Fixed-Price Construction	**Contract Purpose:**		
CR CON	=	Cost Reimbursement Construction	R	=	Required
T&M LH	=	Time & Material/Labor Hours	RA	=	Required when Applicable
LMV	=	Leasing of Motor Vehicles	O	=	Optional
COM SVC	=	Communication Services	□□	=	Revision

		PRINCIPLE TYPE AND/OR PURPOSE OF CONTRACT																					
PROVISION OR CLAUSE	PRESCRIBED IN	P/C	UCF	FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SAP	UTL SVC	CI
2452.201-70 Coordination of Data Collection Activities	2401.106-70	C	I	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA
2452.203-70 Prohibition Against the Use of Federal Employees	2403.670	C	I	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
2452.204-70 Preservation of, and Access to, Contract Records (Tangible and Electronically Stored Information (ESI) Formats)	2404.7001	C	I																			
Alternate I	2404.7001	C	I		R		R		R		R	RA			RA	RA	RA	RA	RA		RA	
Alternate I I	2404.7001	C	I	R		R		R		R		RA		RA	RA	RA	RA	RA	RA		RA	R
2452.208-71 Reproduction of Reports	2408.802-70	C	I	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA

Provision or Clause	Prescribed In	P/C	UCF	FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SAP	UTL SVC	CI
2452.209-70 Potential Organizational Conflicts of Interest	2409.507-1	P	L	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA		RA	RA
2452.209-71 Limitation on Future Contracts	2409.507-2	C	I			RA	RA	RA	RA	RA	RA	RA		RA	RA	RA		RA				RA
2452.209-72 Organizational Conflicts of Interest	2409.507-2	C	I			RA	RA	RA	RA	RA	RA	RA		RA	RA	RA	RA	RA	RA		RA	RA
2452.215-70 Proposal Content	2415.209(a)	P	L			RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA		RA	RA
Alternate I	2415.209(a)	P	L	RA	RA			RA	RA			RA	RA	RA	RA		RA	RA	RA		RA	RA
Alternate II	2415.209(a)	P	L			RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA		RA	RA
Alternate III	2415.209(a)	P	L	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA		RA	RA
2452.215-71 Relative Importance of Technical Evaluation Factors to Cost or Price	2415.209(a)(2)	P	M	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA		RA	RA
2452.215-72 Evaluation of Small Business Participation	2415.370	P	M	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA		RA	RA
2452.216-70 Estimated Cost, Base Fee and Award fee	2416.406(e)(1)	C	I		RA		RA		RA													
2452.216-71 Award Fee	2416.406(e)(2)	C	I	RA		RA		RA		RA												
2452.216-72 Determination of Award Fee Earned	2416.406(e)(3)	C	I	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA
2452.216-73 Performance evaluation plan	2416.406(e)(3)	C	I	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA
2452.216-74 Distribution of award fee	2416.406(e)(3)	C	I	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA		RA
Provision or Clause	Prescribed In	P/C	UCF	FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SAP	UTL SVC	CI
Alternate I	2416.406(e)(3)	C	I	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA
2452.216-75 Unpriced Task Orders	2416.506-70	C	I	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA

2452.216-76 Minimum and Maximum Quantities and Amounts for Order	2416.506-70(b)	C	I	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA
2452.216-77 Estimated Quantities - Requirements Contract	2416.506-70(c)	C	I	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA
2452.216-78 Ordering Procedures	2416.506-70(d)	C	I	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA
Alternate I	2416.506-70(d)	C	I	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA
Alternate II	2416.506-70(d)	C	I	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA
2452.216-79 Estimated Cost (No Fee)	2416.307(b)	C	I		RA		RA		RA		RA											
2452.216-80 Estimated Cost and Fixed-Fee	2416.307(b)	C	I		RA		RA		RA		RA											
2452.216-81 Level of Effort and Fee Payment	2416.506-70(f)	C	I			RA	RA	RA	RA	RA	RA	RA		RA	RA	RA	RA	RA	RA	RA	RA	RA
2452.216-82 Labor Categories, Requirements, and Estimated Level of Effort	2416.506-70(g)	P	L			RA	RA	RA	RA	RA	RA	RA		RA	RA	RA	RA	RA	RA	RA	RA	RA
2452.219-70 Small Business Subcontracting Plan Compliance	2419.708(d)	P	L	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA		RA	RA
2452.219-71 Notification of competition limited to eligible 8(a) concerns - Alternate III to FAR 52.219-18	2419.811-3(d)(3)	C	I																			
2452.219-72 Section 8(a) Direct Awards (Deviation)	2419.811-3(f)	C	I																			
2452.219-73 Incorporation of Subcontracting Plan	2419.708(b)	C	I	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA		RA	RA
2452.219-74	2419.708(b)	P	L	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O		O	O

Small Business Subcontracting Goals																						
PROVISION OR CLAUSE	PRESCRIBED IN	P/C	UCF	FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SAP	UTL SVC	CI
2452.222-70 Accessibility of meetings, conferences, and seminars to persons with disabilities	2422.1408(c)	C	I			RA	RA	RA	RA	RA	RA	RA		RA	RA	RA	RA	RA			RA	RA
2452.227-70 Government Information	2427.470	C	I			RA	RA	RA	RA	RA	RA	RA		RA	RA	RA	RA	RA	RA	RA	RA	RA
Alternate I	2427.470	C	I			RA	RA	RA	RA	RA	RA	RA		RA	RA	RA	RA	RA	RA	RA	RA	RA
2452.232-70 Payment Schedule and Invoice Submission (Fixed-Price)	2432.908(c)(2)	C	I	R		R		R		R												
Alternate I	2432.908(c)(2)	C	I	RA		RA		RA		RA												
2452.232-71 Voucher Submission (Cost-Reimbursement)	2432.908(c)(3)	C	I		R		R		R		R	R										
Alternate I	2432.908(c)(3)	C	I		RA		RA		RA		RA	RA										
2452.232-72 Limitation of Government's Obligation	2432.705-70	C	I	RA		RA		RA		RA												
2452.232-73 Constructive Acceptance Period	2432.908(c)(1)	C	I	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA
2452.232-74 Not to Exceed Limitation	2432.705(b)	C	I	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA
2452.233-70 Review of Contracting Officer Protest Decisions	2433.106	P	L	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		R	R
2452.237-70 Key Personnel	2437.110(e)(1)	C	I		RA	RA	RA	RA	RA	RA	RA	RA		RA	RA	RA	RA	RA	RA		RA	RA
2452.237-73 Conduct of Work and Technical Guidance	2437.110(e)(2)	C	I			RA	RA	R	R	R	R	R		R	R	R	R	RA	RA	RA	R	RA
2452.237-75 Access to HUD Facilities	2437.110(e)(3)	C	I	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA

2452.237-77 Temporary Closure of HUD Facilities	2437.110(e)(4)	C	I			RA	RA	RA	RA	RA	RA	RA		RA	RA	RA	RA	RA	RA	RA	RA	RA
2452.237-79—Post-Award Conference	2437.110(e)(5)	C	I			RA	RA	RA	RA	RA	RA	RA		RA	RA	RA	RA	RA	RA	RA	RA	RA
Alternate I	2437.110(e)(5)	C	I			RA	RA	RA	RA	RA	RA	RA		RA	RA	RA	RA	RA	RA	RA	RA	RA
2452.237-81 LABOR CATEGORIES, UNIT PRICES PER HOUR, AND PAYMENT	2437.110(e)(6)	C	I			RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	
2452.237-82 Access to Controlled Unclassified Information (CUI)	2437.110(e)(7)	P	L			RA	RA	RA	RA	RA	RA	RA		RA	RA	RA	RA	RA	RA	RA	RA	RA
2452.237-83 Access to Controlled Unclassified Information (CUI)	2437.110(e)(8)	C	H			RA	RA	RA	RA	RA	RA	RA		RA	RA	RA	RA	RA	RA	RA	RA	RA
PROVISION OR CLAUSE	**PRESCRIBED IN**	**P/C**	**UCF**	**FP SUP**	**CR SUP**	**FP R&D**	**CR R&D**	**FP SVC**	**CR SVC**	**FP CON**	**CR CON**	**T&M LH**	**LMV**	**COM SVC**	**DDR**	**A&E**	**FAC**	**IND DEL**	**TRN**	**SAP**	**UTL SVC**	**CI**
2452.239-70 Access to HUD Systems	2439.107(a)	C	I			RA	RA	RA	RA	RA	RA	RA		RA	RA	RA	RA	RA	RA	RA	RA	RA
2452.239-71 Information Technology Virus Security	2439.107(b)	C	I	RA	RA	RA	RA	RA	RA			RA		RA				RA		RA		RA
2452.242-70 Indirect costs	2442.705-70	C	I		RA		RA		RA		RA	RA										
2452.242-71 Contract Management System	2442.1107	C	F				RA		RA		RA	RA		RA	RA	RA		RA		O	RA	RA
Alternate I	2442.1107	C	F			RA		RA		RA		RA		RA	RA	RA		RA		O	RA	RA
2452.244-70 Consent to Subcontract	2444.204(a)	C	I	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA	RA
2452.246-70 Inspection and acceptance	2446.502-70	C	E	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
2452.251-70 Contractor Employee Travel	2451.7001	C	I				RA		RA		RA	RA		RA	RA	RA		RA			RA	

BILLING CODE 4210–67–C

Dated: February 28, 2018.

Keith W. Surber,

Chief Procurement Officer.

[FR Doc. 2018–06362 Filed 4–6–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 218

[Docket No. 170720687–8212–01]

RIN 0648–BH06

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the U.S. Navy Training and Testing Activities in the Atlantic Fleet Training and Testing Study Area

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

ACTION: Proposed rule; correction.

SUMMARY: This document contains corrections to the preamble of the proposed regulations published on March 13, 2018, governing the take of marine mammals incidental to the U.S. Navy (Navy) training and testing activities in the Atlantic Fleet Training and Testing (AFTT) Study Area. This action is necessary to correct an error in where sections of the table were omitted in the **Federal Register** notice on March 13, 2018.

DATES: Applicable on April 9, 2018.

FOR FURTHER INFORMATION CONTACT: Stephanie Egger, Office of Protected Resources, NMFS; phone: (301) 427–8401, *Stephanie.Egger@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

A proposed rule published March 13, 2018 (83 FR 10954) for the take of marine mammals incidental to the Navy's training and testing activities in the AFTT Study Area. This correction replaces Table 4 contained in the preamble of the proposed training activities within the AFTT Study Area.

Need for Correction

As published on page 10963 of the preamble to the proposed rule, *Table 4. Proposed Training* was incorrect. Sections of the table were missing from the preamble, specifically Amphibious Warfare, Anti-Submarine Warfare, Expeditionary Warfare, Mine Warfare, and a portion of Surface Warfare. This correction does not change NMFS' analysis or conclusions in the proposed rule. Table 4 is corrected to read as follows:

Table 4. Proposed Training Activities Analyzed within the AFTT Study Area.

Stressor Category	*Activity Name*	*Description*	*Source Bin*	*Annual # of Activities*	*5-Year # of Activities*	*Location*[2]	*Duration per Activity*
Major Training Exercise – Large Integrated ASW							
Acoustic	Composite Training Unit Exercise	Aircraft carrier and its associated aircraft integrate with surface and submarine units in a challenging multi-threat operational environment in order to certify them for deployment.	ASW1, ASW2, ASW3, ASW4, ASW5, HF1, LF6, MF1, MF3, MF4, MF5, MF11, MF12	2–3[1]	12	VACAPES RC Navy Cherry Point RC JAX RC	21 days
Major Training Exercises – Medium Integrated Anti-Submarine Warfare							
Acoustic	Fleet Exercises/Sustainment Exercise	Aircraft carrier and its associated aircraft integrates with surface and submarine units in a challenging multi-threat operational environment in order to maintain their ability to deploy.	ASW1, ASW2, ASW3, ASW4, HF1, LF6, MF1, MF3, MF4, MF5, MF11, MF12	4	20	JAX RC	Up to 10 days
				2	10	VACAPES RC	
Integrated/Coordinated Training – Small Integrated Anti-Submarine Warfare Training							
Acoustic	Naval Undersea Warfare Training Assessment Course	Multiple ships, aircraft, and submarines integrate the use of their sensors to search for, detect, classify, localize, and track a threat submarine in order to launch an exercise torpedo.	ASW1, ASW3, ASW4, HF1, LF6, MF1, MF3, MF4, MF5, MF12	6	30	JAX RC	2-5 days
				3	15	Navy Cherry Point RC	
				3	15	VACAPES RC	
Integrated/Coordinated Training – Medium Coordinated Anti-Submarine Warfare Training							
Acoustic	Anti-Submarine Warfare Tactical Development Exercise	Surface ships, aircraft, and submarines coordinate to search for, detect, and track submarines.	ASW1, ASW3, ASW4, HF1, LF6, MF1, MF3, MF4, MF5, MF11, MF12	2	10	JAX RC	5-7 days
				1	5	Navy Cherry Point RC	
				1	5	VACAPES RC	

Integrated/Coordinated Training – Small Coordinated Anti-Submarine Warfare Training							
Acoustic	Group Sail	Surface ships and helicopters search for, detect, and track threat submarines.	ASW2, ASW3, ASW4, HF1, MF1, MF3, MF4, MF5, MF11, MF12	4	20	JAX RC	2-3 days
				5	25	Navy Cherry Point RC	
				5	25	VACAPES RC	
Amphibious Warfare							
Explosive	Naval Surface Fire Support Exercise – At Sea	Surface ship crews use large-caliber guns to support forces ashore; however, the land target is simulated at sea. Rounds are scored by passive acoustic buoys located at or near the target area.	E5	4	20	GOMEX RC	1-2 hrs of firing, 8 hrs total
				12	60	JAX RC	
				2	10	Navy Cherry Point RC	
				38	190	VACAPES RC	
Anti-Submarine Warfare							
Acoustic	Anti-submarine Warfare Torpedo Exercise – Helicopter	Helicopter aircrews search for, track, and detect submarines. Recoverable air launched torpedoes are employed against submarine targets.	MF4, MF5, TORP1	14	70	JAX RC	2-5 hrs
				4	20	VACAPES RC	
Acoustic	Anti-submarine Warfare Torpedo Exercise – Maritime Patrol Aircraft	Maritime patrol aircraft aircrews search for, track, and detect submarines. Recoverable air launched torpedoes are employed against submarine targets.	MF5, TORP1	14	70	JAX RC	2-8 hrs
				4	20	VACAPES RC	
Acoustic	Anti-Submarine Warfare Torpedo Exercise –Ship	Surface ship crews search for, track, and detect submarines. Exercise torpedoes are used.	ASW3, MF1, TORP1	16	80	JAX RC	2-5 hrs
				5	25	VACAPES RC	
Acoustic	Anti-Submarine Warfare Torpedo Exercise – Submarine	Submarine crews search for, track, and detect submarines. Exercise torpedoes are used.	ASW4, HF1, MF3, TORP2	12	60	JAX RC	8 hrs
				6	30	Northeast RC	
				2	10	VACAPES RC	
Acoustic	Anti-Submarine Warfare Tracking Exercise – Helicopter	Helicopter aircrews search for, track, and detect submarines.	MF4, MF5	24	120	Other AFTT Areas	2-4 hrs
				370	1,850	JAX RC	
				12	60	Navy Cherry Point RC	
				8	40	VACAPES RC	

Acoustic	Anti-Submarine Warfare Tracking Exercise – Maritime Patrol Aircraft	Maritime patrol aircraft aircrews search for, track, and detect submarines.	ASW2, MF5	90	450	Northeast RC	2-8 hrs
				176	880	VACAPES RC	
				525	2,625	JAX RC	
				46	230	Navy Cherry Point RC	
Acoustic	Anti-Submarine Warfare Tracking Exercise – Ship	Surface ship crews search for, track, and detect submarines.	ASW1, ASW3, MF1, MF11, MF12	5*	25*	Northeast RC	2-4 hrs
				110*	550*	Other AFTT Areas	
				5*	25*	GOMEX RC	
				440*	2,200*	JAX RC	
				55*	275*	Navy Cherry Point RC	
				220*	1,100*	VACAPES RC	
Acoustic	Anti-Submarine Warfare Tracking Exercise – Submarine	Submarine crews search for, track, and detect submarines.	ASW4, HF1, MF3	44	220	Other AFTT Areas	8 hrs
				13	65	JAX RC	
				1	5	Navy Cherry Point RC	
				18	90	Northeast RC	
				6	30	VACAPES RC	
Expeditionary Warfare							
Explosive	Maritime Security Operations – Anti-Swimmer Grenades	Small boat crews engage in force protection activities by using anti-swimmer grenades to defend against hostile divers.	E2	2	10	GOMEX RC	1 hr
				2	10	JAX RC	
				2	10	Navy Cherry Point RC	
				4	20	Northeast RC	
				5	25	VACAPES RC	
Mine Warfare							
Acoustic	Airborne Mine Countermeasure - Mine Detection	Helicopter aircrews detect mines using towed or laser mine detection systems.	HF4	66	330	GOMEX RC	2 hrs
				317	1,585	JAX RC	
				371	1,855	Navy Cherry Point RC	
				244	1,220	NSWC Panama City	
				1,540	7,700	VACAPES RC	

Acoustic, Explosive	Civilian Port Defense – Homeland Security Anti-Terrorism/Force Protection Exercise	Maritime security personnel train to protect civilian ports against enemy efforts to interfere with access to those ports.	HF4, SAS2 E2, E4	1	3	Beaumont, TX; Boston, MA; Corpus Christi, TX; Delaware Bay, DE; Earle, NJ; GOMEX RC; Hampton Roads, VA; JAX RC; Kings Bay, GA; NS Mayport; Morehead City, NC; Port Canaveral, FL; Savannah, GA; Tampa Bay, FL; VACAPES RC; Wilmington, DE	Multiple days
Acoustic	Coordinated Unit Level Helicopter Airborne Mine Countermeasure Exercise	A detachment of helicopter aircrews train as a unit in the use of airborne mine countermeasures, such as towed mine detection and neutralization systems.	HF4	2	10	GOMEX RC	Multiple days
				2	10	JAX RC	
				2	10	Navy Cherry Point RC	
				2	10	VACAPES RC	
Acoustic, Explosive	Mine Countermeasures – Mine Neutralization – Remotely Operated Vehicle	Ship, small boat, and helicopter crews locate and disable mines using remotely operated underwater vehicles.	HF4, E4	132	660	GOMEX RC	1.5-4 hrs
				71	355	JAX RC	
				71	355	Navy Cherry Point RC	
				630	3,150	VACAPES RC	
Acoustic	Mine Countermeasures – Ship Sonar	Ship crews detect and avoid mines while navigating restricted areas or channels using active sonar.	HF4	22	110	GOMEX RC	1.5-4 hrs
				53	265	JAX RC	
				53	265	VACAPES RC	
Explosive	Mine Neutralization – Explosive Ordnance Disposal	Personnel disable threat mines using explosive charges.	E4, E5, E6, E7	6	30	Lower Chesapeake Bay	Up to 4 hrs
				16	80	GOMEX RC	
				20	100	JAX RC	

				17	85	Key West RC	
				16	80	Navy Cherry Point RC	
				524	2,620	VACAPES RC	
Surface Warfare							
Explosive	Bombing Exercise Air-to-Surface	Fixed-wing aircrews deliver bombs against surface targets.	E9, E10, E12	67	335	GOMEX RC	1 hr
				434	2,170	JAX RC	
				108	540	Navy Cherry Point RC	
				329	1,645	VACAPES RC	
Explosive	Gunnery Exercise Surface-to-Surface Boat Medium-Caliber	Small boat crews fire medium-caliber guns at surface targets.	E1	6	30	GOMEX RC	1 hr
				26	130	JAX RC	
				128	640	Navy Cherry Point RC	
				2	10	Northeast RC	
				260	1,300	VACAPES RC	
Explosive	Gunnery Exercise Surface-to-Surface Ship Large-Caliber	Surface ship crews fire large-caliber guns at surface targets.	E3,E5	10	50	Other AFTT Areas	Up to 3 hrs
				9	45	GOMEX RC	
				51	255	JAX RC	
				35	175	Navy Cherry Point RC	
				75	375	VACAPES RC	
Explosive	Gunnery Exercise Surface-to-Surface Ship Medium-Caliber	Surface ship crews fire medium-caliber guns at surface targets.	E1	41	195	Other AFTT Areas	2-3 hrs
				33	165	GOMEX RC	
				161	805	JAX RC	
				72	360	Navy Cherry Point RC	
				321	1,605	VACAPES RC	
Explosive	Integrated Live Fire Exercise	Naval forces defend against a swarm of surface threats (ships or small boats) with bombs, missiles, rockets, and small-, medium- and large-caliber guns.	E1, E3, E6, E10	2	10	VACAPES RC	6-8 hrs
				2	10	JAX RC	
Explosive	Missile Exercise	Fixed-wing and	E6, E8,	102	510	JAX RC	1 hr

	Air-to-Surface	helicopter aircrews fire air-to-surface missiles at surface targets.	E10	52	260	Navy Cherry Point RC	
				88	440	VACAPES RC	
Explosive	Missile Exercise Air-to-Surface – Rocket	Helicopter aircrews fire both precision-guided and unguided rockets at surface targets.	E3	10	50	GOMEX RC	1 hr
				102	510	JAX RC	
				10	50	Navy Cherry Point RC	
				92	460	VACAPES RC	
Explosive	Missile Exercise Surface-to-Surface	Surface ship crews defend against surface threats (ships or small boats) and engage them with missiles.	E6, E10	16	80	JAX RC	2-5 hrs
				12	60	VACAPES RC	
Acoustic, Explosive	Sinking Exercise	Aircraft, ship, and submarine crews deliberately sink a seaborne target, usually a decommissioned ship (made environmentally safe for sinking according to U.S. Environmental Protection Agency standards), with a variety of munitions.	TORP2, E5, E8, E9, E10, E11	1	5	SINKEX Box	4-8 hrs, possibly over 1-2 days
Other Training Activities							
Acoustic	Elevated Causeway System	A temporary pier is constructed off the beach. Supporting pilings are driven into the sand and then later removed.	Impact hammer or vibratory extractor	1	5	Lower Chesapeake Bay	Up to 20 days for construction, and up to 10 days for removal
				1	5	Navy Cherry Point RC	
Acoustic	Submarine Navigation	Submarine crews operate sonar for navigation and object detection while transiting into and out of port during reduced visibility.	HF1, MF3	169	845	NSB New London	Up to 2 hrs
				3	15	NSB Kings Bay	
				3	15	NS Mayport	
				84	420	NS Norfolk	
				23	115	Port Canaveral, FL	
Acoustic	Submarine Sonar Maintenance	Maintenance of submarine sonar systems is conducted pierside or at sea.	MF3	12	60	Other AFTT Areas	Up to 1 hr
				66	330	NSB New London	
				9	45	JAX RC	
				2	10	NSB Kings Bay	

				34	170	NS Norfolk	
				86	430	Northeast RC	
				2	10	Port Canaveral, FL	
				13	63	Navy Cherry Point RC	
				47	233	VACAPES RC	
Acoustic	Submarine Under Ice Certification	Submarine crews train to operate under ice. Ice conditions are simulated during training and certification events.	HF1	3	15	JAX RC	Up to 6 hrs per day over 5 days
				3	15	Navy Cherry Point RC	
				9	45	Northeast RC	
				9	45	VACAPES RC	
Acoustic	Surface Ship Object Detection	Surface ship crews operate sonar for navigation and object detection while transiting in and out of port during reduced visibility.	HF8, MF1K	76	380	NS Mayport	Up to 2 hrs
				162	810	NS Norfolk	
Acoustic	Surface Ship sonar Maintenance	Maintenance of surface ship sonar systems is conducted piersidc or at sca.	HF8, MF1	50	250	JAX RC	Up to 4 hrs
				50	250	NS Mayport	
				120	600	Navy Cherry Point RC	
				235	1,175	NS Norfolk	
				120	600	VACAPES RC	

[1] For activities where the maximum number of events could vary between years, the information is presented as 'representative-maximum' number of events per year. For activities where no variation is anticipated, only the maximum number of events within a single year is provided.

[2] Locations given are areas where activities typically occur. However, activities could be conducted in other locations within the Study Area. Where multiple locations are provided within a single cell, the number of activities could occur in any of the locations, not in each of the locations.

* For anti-submarine warfare tracking exercise – Ship, the Proposed Action, 50 percent of requirements are met through synthetic training or other training exercises

Notes: GOMEX: Gulf of Mexico; JAX: Jacksonville; NS: Naval Station; NSB: Naval Submarine Base; NSWC: Naval Surface Warfare Center; RC: Range Complex; VACAPES: Virginia Capes

Dated: April 3, 2018.

Samuel D. Rauch III,

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

[FR Doc. 2018–07131 Filed 4–6–18; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 83, No. 68

Monday, April 9, 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 4, 2018.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. 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.

Comments regarding this information collection received by May 9, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725—17th Street NW, Washington, DC 20502. 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. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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.

Animal and Plant Health Inspection Service

Title: Importation of Baby Squash and Baby Courgettes from Zambia.

OMB Control Number: 0579–0347.

Summary of Collection: Under the Plant Protection Act (7 U.S.C 7701), the Secretary of Agriculture is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States or not known to be widely distributed throughout the United States. APHIS fruits and vegetables regulations allow the importation into the continental United States of baby squash and baby courgettes from Zambia. As a condition of entry, both commodities would have to be produced in accordance with a systems approach that would include requirements for pest exclusion at the production site, fruit fly trapping inside and outside the production site, and pest excluding packinghouse procedures. Both commodities would also be required to be accompanied by a phytosanitary certificate with an additional declaration stating that the baby squash and baby courgette have been produced in accordance with the proposed requirements.

Need and Use of the Information: APHIS will collect information using the following: Physanitary Certificate, Records and Monitoring, Labeling on Cartons, Approval and Inspection of Greenhouses, Greenhouse Pest Detection Notification, and Emergency Action Notification.

Description of Respondents: Business or other for-profits; Federal Government.

Number of Respondents: 2.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 10.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–07149 Filed 4–6–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces our intention to request a 3-year extension and revision of a currently approved information collection for ''Export Inspection and Weighing Waiver for High Quality Specialty Grain Transported in Containers''.

The realignment of offices within the U.S. Department of Agriculture authorized by the Secretary's Memorandum dated November 14, 2017, eliminates the Grain Inspection, Packers and Stockyard Administration (GIPSA) as a standalone agency. The grain inspection activities formerly part of GIPSA are now organized under AMS.

DATES: We will consider comments that we receive by June 8, 2018.

ADDRESSES: We invite you to submit comments on this notice by any of the following methods:

- *The Federal eRulemarking portal: http://www.regulations.gov.*
- Karen W. Guagliardo, Director, Quality Assurance and Compliance Division (QACD), Federal Grain Inspection Service (FGIS), USDA/AMS, STOP 3630, Room 2420-South, 1400 Independence Avenue SW, Washington, DC 20250–3630; *FGIS.QACD@usda.gov.*

Comments should reference ''High Quality Specialty Grain Exported in Containers Information Collection,'' and should reference the date and page number of this issue of the **Federal Register**. The information collection package, public comments, and other documents relating to this action will be available for public inspection in the above office during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: For information regarding the collection of information activities and the use of the information, contact Candace A. Hildreth, Compliance Officer at (202) 720–0203.

SUPPLEMENTARY INFORMATION: Congress enacted The United States Grain Standards Act (USGSA) (7 U.S.C. 71—87k) to facilitate the marketing of grain in interstate and foreign commerce. The USGSA, with few exceptions, requires that all grain shipped from the United States must be officially inspected and officially weighed. The USGSA authorizes the Department of Agriculture to waive the mandatory inspection and weighing requirements of the USGSA in circumstances when the objectives of the USGSA would not be impaired.

Section 7 CFR 800.18 of the regulations waives the mandatory inspection and weighing requirements of the USGSA for high quality specialty grain exported in containers. FGIS established this waiver to facilitate the marketing of high quality specialty grain exported in containers. This action was consistent with the objectives of the USGSA and would promote the continuing development of the high quality specialty grain export market.

To ensure that exporters of high quality specialty grain complied with this waiver, FGIS required exporters to maintain records generated during the normal course of business that pertain to these shipments and make these documents available upon request for review or copying purposes (76 FR 45397). These records shall be maintained for a period of 3 years. This information collection requirement is essential to ensure that exporters who ship high quality specialty grain in containers comply with the waiver provisions. FGIS does not require exporters of high quality specialty grain to complete and submit new Federal government record(s), form(s), or report(s).

Title: Export Inspection and Weighing Waiver for High Quality Specialty Grain Transported in Containers.

OMB Number: 0580–0022.

Expiration Date of Approval: July 31, 2018.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The regulations under the USGSA waive the mandatory inspection and weighing requirements for high quality specialty grain exported in containers. FGIS established this waiver to facilitate the marketing of high quality specialty grain exported in containers. To ensure compliance with this wavier, FGIS required these exporters to maintain records generated during their normal course of business that pertain to these shipments and make these documents available to FGIS upon request, for review and copying purposes.

Grain Contracts

Estimate of Burden: Public reporting and recordkeeping burden for maintaining contract information averages 6.0 hours per exporter.

Respondents: Exporters of high quality specialty grain in containers.

Estimated Number of Respondents: 40.

Estimated Number of Respondents per Request: 1.

Estimated Total Burden on Respondents: 240 Hours.

Estimated Total Cost: $1,780.

Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or forms of information technology. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: April 4, 2018.

Greg Ibach,

Under Secretary, Marketing and Regulatory Programs.

[FR Doc. 2018–07211 Filed 4–6–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 4, 2018.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. 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.

Comments regarding this information collection received by May 9, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. 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. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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.

Food Safety and Inspection Service

Title: Marking, Labeling, and Packaging of Meat, Poultry, and Egg Products.

OMB Control Number: 0583–0092.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 seq.), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statues mandate that FSIS protect the public by ensuring that meat, poultry, and egg products are safe, wholesome, unadulterated, and properly labeled and packaged.

Need and Use of the Information: FSIS will collect information to ensure that meat, poultry, and egg products are accurately labeled. To control the manufacture of marking devices bearing official marks, FSIS requires that official meat and poultry establishments and the manufacturers of such marking devices complete FSIS form 5200–7, Authorization Certificate, FSIS form

7234–1, Application for Approval of Labels, Marking or Device and FSIS Form 8822–4 Request for Label Reconsideration. If the information is not collected it would reduce the effectiveness of the meat, poultry, and egg products inspection program.

Description of Respondents: Business or other for-profit.

Number of Respondents: 6,418.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 128,267.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–07160 Filed 4–6–18; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0104]

General Conference Committee of the National Poultry Improvement Plan and 44th Biennial Conference

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of meeting.

SUMMARY: We are giving notice of a meeting of the General Conference Committee of the National Poultry Improvement Plan (NPIP) and the NPIP's 44th Biennial Conference.

DATES: The General Conference Committee meeting will be held on June 26, 2018, from 1:30 p.m. to 5:30 p.m. The General Session of the Biennial Conference will be held on June 27, 2018, from 8 a.m. to 5 p.m. and June 28, 2018, from 8 a.m. to 12:30 p.m.

ADDRESSES: The meeting and conference will be held at the Franklin Marriott Cool Springs, 700 Cool Springs Boulevard, Franklin, TN 37067.

FOR FURTHER INFORMATION CONTACT: Dr. Denise Heard, Senior Coordinator, National Poultry Improvement Plan, VS, APHIS, USDA, 1506 Klondike Road, Suite 101, Conyers, GA 30094; (770) 922–3496.

SUPPLEMENTARY INFORMATION: The General Conference Committee (the Committee) of the National Poultry Improvement Plan (NPIP), representing cooperating State agencies and poultry industry members, serves an essential function by acting as liaison between the poultry industry and the Department in matters pertaining to poultry health.

Topics for discussion at the upcoming meeting include:

1. NPIP approval of new diagnostic tests.
2. Salmonella update.
3. National Veterinary Services Laboratories avian influenza update.
4. Mycoplasma update.

The meeting will be open to the public; however, public participation in discussions during the sessions will only be allowed if time permits. Written statements may be filed at the meeting or filed with the Committee before or after the meeting by sending them to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to Docket No. APHIS–2017–0104 when submitting your statements.

This notice of meeting is given pursuant to section 10 of the Federal Advisory Committee Act (5 U.S.C. App. 2).

Done in Washington, DC, this 3rd day of April 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–07075 Filed 4–6–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–502]

Circular Welded Carbon Steel Pipes and Tubes From Thailand: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily finds that certain producers or exporters of subject merchandise have made sales of subject merchandise at less than normal value. We invite interested parties to comment on these preliminary results.

DATES: Applicable April 9, 2018.

FOR FURTHER INFORMATION CONTACT: Toni Page, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1398.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on circular welded carbon steel pipes and tubes (pipes and tubes) from Thailand. The period of review (POR) is March 1, 2016, through February 28, 2017. This review covers three producers or exporters of the subject merchandise, Pacific Pipe Public Company Limited (Pacific Pipe), Saha Thai Steel Pipe (Public) Company, Ltd. (Saha Thai), and Thai Premium Pipe Co. Ltd. (Thai Premium).

Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018.[1] On March 1, 2018, we further extended the deadline for the preliminary results to 365 days.[2] On March 1, 2018, Commerce extended the deadline for issuing the preliminary results to 365 days.[3] As a result, the revised deadline for the preliminary results of this review is now April 3, 2018.

Scope of the Order

The products covered by the antidumping order are certain circular welded carbon steel pipes and tubes from Thailand. The subject merchandise has an outside diameter of 0.375 inches or more, but not exceeding 16 inches. For a full description of the scope of this order, please see the accompanying Preliminary Decision Memorandum.[4]

Methodology

Commerce is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying these preliminary results, see the Preliminary Decision Memorandum, which is hereby adopted by this notice. A list of the topics discussed in the Preliminary Decision Memorandum is attached as

[1] *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.

[2] *See* Commerce Memorandum, ''Circular Welded Steel Pipes and Tubes from Thailand: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review—2016–2017,'' (March 1, 2018).

[3] See Commerce Memorandum, ''Circular Welded Carbon Steel Pipes and Tubes from Thailand: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review—2016–2017,'' (March 1, 2018).

[4] *See* the Memorandum, ''Circular Welded Carbon Steel Pipes and Tubes from Thailand: Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review; 2016–2017'' (dated concurrently with this **Federal Register** notice) (Preliminary Decision Memorandum).

the Appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and 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 can be accessed directly on the internet 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

Commerce preliminarily determines that the following weighted-average dumping margins exist for the period March 1, 2016, through February 28, 2017:

Producer/exporter	Weighted-Average dumping margin (percent)
Pacific Pipe Company Limited	10.66
Saha Thai Steel Pipe (Public) Company, Ltd	0.00
Thai Premium Pipe Co. Ltd	5.34

Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the preliminary results in accordance with 19 CFR 351.224(b). 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.[5] 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 argument; and (3) a table of authorities.[6]

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, unless extended, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon completion of this administrative review, Commerce shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. If a respondent's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* assessment rates on the basis of the ratio of the total amount of dumping calculated for an importer's examined sales and the total entered value of such sales in accordance with 19 CFR 351.212(b)(1). Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c), or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce clarified its ''automatic assessment'' regulation on May 6, 2003.[7] This clarification applies to entries of subject merchandise during the POR produced by a respondent for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed 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 publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies under review will be equal to the weighted-average dumping margin established in the final results of this review (except, if that rate is *de minimis,* then the cash deposit rate will be zero); (2) for previously reviewed or investigated companies not listed above in the Preliminary Results of Review, including those for which Commerce may determine had no shipments during the POR, 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 or another completed segment of this proceeding, but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previously completed segment of this proceeding, then the cash deposit rate will be the ''all-others'' rate of 15.67 percent established in the less-than-fair-value investigation.[8] These 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 review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h) and 351.221(b)(4).

[5] *See* 19 CFR 351.309(d).

[6] *See* 19 CFR 351.303 (for general filing requirements).

[7] For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*).

[8] *See Antidumping Duty Order; Circular Welded Carbon Steel Pipes and Tubes from Thailand,* 51 FR 8341 (March 11, 1986).

Dated: April 3, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Particular Market Situation
V. Comparison to Normal Value
VI. Product Comparisons
VII. Discussion of Methodology
  A. Determination of Comparison Method
  B. Results of the Differential Pricing Analysis
  C. Date of Sale
  D. Export Price
  E. Normal Value
  F. Currency Conversion
VIII. Recommendation

[FR Doc. 2018–07191 Filed 4–6–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–080]

Countervailing Duty Investigation of Cast Iron Soil Pipe From the People's Republic of China: Postponement of Preliminary Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable April 9, 2018.

FOR FURTHER INFORMATION CONTACT: Omar Qureshi, 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) 482–5307.

SUPPLEMENTARY INFORMATION:

Background

On February 15, 2018, the Department of Commerce (Commerce) initiated the countervailing duty (CVD) investigation of cast iron soil pipe from the People's Republic of China.[1] Currently, the preliminary determination is due no later than April 23, 2018.

Postponement of the Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days of the date on which Commerce initiated the investigation. However, if the petitioner makes a timely request for an extension of the period within which the determination must be made, Commerce may postpone making the preliminary determination until no later than 130 days after the date on which it initiated the investigation, pursuant to section 703(c)(1)(A) of the Act. The Cast Iron Soil Pipe Institute (the petitioner) has made a timely request to postpone the preliminary determination, maintaining that the current deadline does not realistically provide Commerce with adequate time to review the questionnaire responses.[2]

In light of the request from the petitioner, Commerce, in accordance with section 703(c)(l)(A) of the Act, is postponing the deadline for the preliminary determination to no later than 130 days after the day on which Commerce initiated this investigation, *i.e.,* June 25, 2018. Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination will continue to be 75 days after the date of the preliminary determination, unless postponed.

This notice is issued and published in accordance with section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: April 3, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–07192 Filed 4–6–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–828]

Certain Uncoated Paper From Indonesia: 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 the sole exporter subject to this administrative review has not made sales of subject merchandise at less than normal value. We invite interested parties to comment on these preliminary results.

DATES: Applicable April 9, 2018.

FOR FURTHER INFORMATION CONTACT: Blaine Wiltse or David Crespo, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6345 or (202) 482–3693, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on certain uncoated paper (uncoated paper) from Indonesia. The notice of initiation of this administrative review was published on May 9, 2017.[1] We rescinded the review of PT. Indah Kiat Pulp and Paper Tbk, PT. Pabrik Kertas Tjiwi Kimia Tbk, and Pindo Deli Pulp and Paper Mills on August 11, 2017.[2] As a result, this review only covers APRIL,[3] a producer and exporter of the subject merchandise. The POR is August 26, 2015, through February 28, 2017.

Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through January 22, 2018. As a result, the revised deadline for the preliminary results of this review is now April 3, 2018.[4]

We preliminarily determine that APRIL has not made sales of subject merchandise at less than normal value. If these preliminary results are adopted

[1] *See Cast Iron Soil Pipe from the People's Republic of China: Initiation of Countervailing Duty Investigation,* 83 FR 8047 (February 23, 2018).

[2] *See,* the petitioner's March 28, 2018, submission.

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 21513 (May 9, 2017) (*Initiation Notice*), as corrected by *Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 26444, 26451 (June 7, 2017).

[2] *See Certain Uncoated Paper from Indonesia: Rescission, in Part, of Antidumping Duty Administrative Review; 2015–2017,* 82 FR 37565 (August 11, 2017), as corrected by *Certain Uncoated Paper from Indonesia: Notice of Correction to Rescission, in Part, of Antidumping Duty Administrative Review; 2015–2017,* 82 FR 44381 (September 22, 2017).

[3] Commerce selected PT Anugerah Kertas Utama, PT Riau Andalan Kertas, and APRIL Fine Paper Macao Offshore Limited (collectively, APRIL) as a mandatory respondent in this investigation. Further, for these preliminary results, Commerce preliminarily has determined to collapse, and treat as a single entity, this company and two affiliated parties, PT Sateri Viscose International and A P Fine Paper Trading (Hong Kong) Limited. *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2015–2017 Administrative Review of the Antidumping Duty Order on Certain Uncoated Paper from Indonesia,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum), at 4–6. The collapsed entity is hereinafter collectively referred to as APRIL.

[4] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by three days.

in the final results of this review, we will instruct U.S. Customs and Border Protection (CBP) not to assess antidumping duties on any of APRIL's entries in accordance with the *Final Modification for Reviews.*[5]

Scope of the Order

The merchandise subject to the order is certain uncoated paper.[6] The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 4802.56.1000, 4802.56.2000, 4802.56.3000, 4802.56.4000, 4802.56.6000, 4802.56.7020, 4802.56.7040, 4802.57.1000, 4802.57.2000, 4802.57.3000, and 4802.57.4000. Some imports of subject merchandise may also be classified under 4802.62.1000, 4802.62.2000, 4802.62.3000, 4802.62.5000, 4802.62.6020, 4802.62.6040, 4802.69.1000, 4802.69.2000, 4802.69.3000, 4811.90.8050 and 4811.90.9080. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description remains dispositive.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the weighted-average dumping margin exists for APRIL for the period August 26, 2015, through February 28, 2017, as follows:

Exporter/producer	Weighted-average dumping margin (percent)
PT Anugerah Kertas Utama, PT Riau Andalan Kertas, PT Sateri Viscose International, A P Fine Paper Trading (Hong Kong) Limited, and APRIL Fine Paper Macao Offshore Limited (collectively, APRIL)	0.00

Disclosure and Public Comment

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice.[7] Interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice.[8] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing case briefs.[9] 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 argument; and (3) a table of authorities.[10] Case and rebuttal briefs should be filed using ACCESS.[11]

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 ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[12] Hearing 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 issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.[13]

Commerce intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, not later than 120 days after the publication date of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

If APRIL's weighted-average dumping margin remains zero or *de minimis* in the final results of this review, then we intend to instruct CBP to liquidate APRIL's entries without regard to antidumping duties. If APRIL's weighted-average dumping margin is above *de minimis* in the final results of this review, then pursuant to 19 CFR 351.212(b)(1), because APRIL reported the entered value for all of its U.S. sales, we intend to calculate an importer-specific *ad valorem* duty assessment rate based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of those sales. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c), or an importer-specific rate is zero or *de minimis,* we intend to instruct CBP to liquidate the appropriate entries without regard to antidumping duties. We intend to instruct CBP to take into account the ''provisional measures cap'' in accordance with 19 CFR 351.212(d). In addition, for entries of subject merchandise during the POR produced by APRIL for which it did not know its merchandise was destined for the United States, we intend to instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for

[5] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 8102 (February 14, 2012) (*Final Modification for Reviews).*

[6] For a complete description of the Scope of the Order, *see* Preliminary Decision Memorandum.

[7] *See* 19 CFR 351.224(b).

[8] *See* 19 CFR 351.309(c).

[9] *See* 19 CFR 351.309(d).

[10] *See* 19 CFR 351.309(c)(2) and (d)(2).

[11] *See* 19 CFR 351.303.

[12] *See* 19 CFR 351.310(c).

[13] *Id.*

the intermediate company or companies involved in the transaction. The all-others rate is 2.10 percent.[14]

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[15] We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective 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 APRIL will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment; (3) if the exporter is not a firm covered in this review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and 4) the cash deposit rate for all other manufacturers or exporters will continue to be 2.10 percent, the all-others rate made effective by the LTFV investigation.[16] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h)(1).

Dated: April 3, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Affiliation and Collapsing
   a. Legal Framework
   b. Affiliation and Single Entity Analysis
5. Discussion of the Methodology
   a. Normal Value Comparisons
   b. Determination of Comparison Method
   c. Results of Differential Pricing Analysis
   d. Product Comparisons
   e. Date of Sale
   f. Export Price
   g. Duty Drawback
   h. Normal Value
   i. Home Market Viability and Comparison Market
   ii. Level of Trade
   iii. Cost of Production Analysis
   1. Calculation of Cost of Production
   2. Test of Comparison Market Sales Prices
   3. Results of the COP Test
   iv. Calculation of Normal Value Based on Comparison Market Prices
   v. Calculation of Normal Value Based on Constructed Value
6. Currency Conversion
7. Recommendation

[FR Doc. 2018–07193 Filed 4–6–18; 8:45 am]

BILLING CODE 3510–DS–P

[14] *See Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal: Amended Final Affirmative Antidumping Determinations for Brazil and Indonesia and Antidumping Duty Orders,* 81 FR 11174 (March 3, 2016) (*Order*).

[15] *See* section 751(a)(2)(C) of the Act.

[16] *See Order,* 81 FR at 11174.

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2018–0015]

Request for Information Regarding Bureau Financial Education Programs

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for information.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is seeking comments and information from interested parties to assist the Bureau in assessing the overall efficiency and effectiveness of its consumer financial education programs.

DATES: Comments must be received by July 9, 2018.

ADDRESSES: You may submit responsive information and other comments, identified by Docket No. CFPB–2018–0015, by any of the following methods:

- *Electronic:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov.* Include Docket No. CFPB–2018–0015 in the subject line of the message.
- *Mail:* Comment Intake, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.
- *Hand Delivery/Courier:* Comment Intake, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.

Instructions: The Bureau encourages the early submission of comments. All submissions must include the document title and docket number. Please note the number of the question on which you are commenting at the top of each response (you do not need to answer all questions). Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1700 G St NW, Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. eastern standard time. You can make an appointment to inspect the documents by telephoning 202–435–7275.

All submissions in response to this request for information, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Davida Farrar, Counsel, Consumer Education and Engagement Division, at 202–435–9523, or Katherine Gillespie, Deputy Associate Director, Consumer Education and Engagement Division, at 202–435–7847. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: The Consumer Financial Protection Act of 2010 (Act) lists ''conducting financial education programs'' as one of six primary functions of the Bureau.[1] One

[1] 12 U.S.C. 5511(c)(1).

of the Bureau's statutory objectives under the Act is to ensure that, with respect to consumer financial products and services, ''consumers are provided with timely and understandable information to make responsible decisions about financial transactions.'' [2] The Act directs the Bureau to develop and implement ''initiatives intended to educate and empower consumers to make better informed financial decisions.'' [3] The Act also directs the Bureau to develop and implement a strategy to improve consumers' financial literacy by, among other things, providing opportunities for consumers to access information and resources related to a range of financial topics including credit products, histories, and scores; savings, borrowing and other services found at mainstream financial institutions; preparing for major purchases such as education; debt reduction; improving the consumer's financial situation; the development of long-term savings strategies; and wealth-building.[4] Pursuant to the Act, the Bureau develops programs to serve the general public,[5] as well as specific populations, including servicemembers, veterans and their families,[6] older Americans,[7] students,[8] and traditionally underserved consumers.[9]

The Bureau conducts various financial education programs covering a range of financial topics. Currently, the Bureau offers information directly to Americans through the Bureau's website and indirectly through community channels, such as libraries and social service agencies. The topics covered on the Bureau's website and through its print publications include mortgages, credit reporting, student loans, debt collection, and bank accounts. The Bureau has also created guides for specific financial decisions, including Buying a House,[10] Paying for College,[11] and Planning for Retirement.[12] The Bureau also focuses on providing information to specific audiences, including older Americans, families, students and servicemembers. The Bureau also provides financial educators with tools, research, webinars, training, and tips on delivering financial education and on ways to measure and increase the financial well-being of the people served through financial education. The Bureau has contracted with outside entities to support specific elements of the Bureau's financial education work.

The Bureau uses various metrics to measure the reach and effectiveness of its financial education work, including the number of consumers and financial educators using the Bureau's information and tools, qualitative user feedback, increased understanding of certain topics, and user satisfaction ratings. The Bureau has also developed an evidence-based scale to measure financial well-being as an outcome of financial education programs.[13] The Bureau has used this scale to conduct a National Financial Well-being Survey.[14] The scale and underlying research are also available for financial educators to use as they measure their own programs.

The Bureau is a member of the federal Financial Literacy and Education Commission (FLEC), and the Bureau's Director is the Vice-Chair of FLEC. The Bureau has coordinated with other Federal agencies to deliver financial education, such as cooperating with the Federal Deposit Insurance Corporation (FDIC) to create Money Smart for Older Adults.

Overview of This Request for Information

The Bureau is using this request for information to seek public input regarding the efficiency and effectiveness of the Bureau's financial education programs, including its focus on various topics, programs, delivery channels and methods, the use of technology, and the use of the procurement process to support its work. The Bureau encourages comments from all interested members of the public. The Bureau anticipates that the responding public may include individual consumers, financial educators, members of industry, consumer advocates, researchers or members of academia, state and local officials, and others. This RFI is not the vehicle to express interest in contracting with the Bureau. Additionally, the Bureau does not provide grants.

Questions for Commenters

The Bureau requests that, where possible, comments include specific suggestions regarding ways to:

- Improve the Bureau's existing programs and delivery mechanisms;
- Better measure and evaluate the effectiveness of the Bureau's financial education work; and
- Eliminate or minimize the duplication of the Bureau's financial education work with work performed by other entities, including federal, state, and local agencies.

The following list of general questions represents a preliminary attempt by the Bureau to identify elements of Bureau financial education programs that are of the greatest interest to the public. This non-exhaustive list is meant to assist in the formulation of comments and is not intended to restrict the issues that may be addressed. Please feel free to comment on some or all of the questions below, but please be sure to indicate on which area you are commenting.

The Bureau is seeking feedback on all aspects of its consumer financial education programs, including but not limited to the following topics:

1. The Bureau's focus on specific financial education topics and delivery channels, and use of technology and contractors.

a. Are the Bureau's financial education programs focusing on the right topics and areas to educate and empower consumers to make better informed financial decisions?

b. What financial education topics should the Bureau address?

c. What delivery channels should the Bureau use to conduct financial education programs?

d. What technologies should the Bureau use to provide financial education?

e. How should the Bureau use contractors in its financial education work?

f. Should the Bureau's financial education work focus on other populations or audiences, in addition to the general population and those specific populations referenced in the statute?

2. Measuring the effectiveness of the Bureau's financial education programs.

a. How should the Bureau measure the success of its financial education programs?

b. How should the Bureau measure return on investment of financial education programs?

c. How should the Bureau measure the benefit of its financial education work? Should the measures vary depending on the type of education, the topic, or the delivery channel?

[2] 12 U.S.C. 5511(b)(1).

[3] 12 U.S.C. 5493(d)(1).

[4] 12 U.S.C. 5493(d)(2)(B)–(F).

[5] 12 U.S.C. 5493(d)(1).

[6] 12 U.S.C. 5493(e)(1)(A).

[7] 12 U.S.C. 5493(g)(1).

[8] 12 U.S.C. 5535(a); 5493(d)(2)(D)(i).

[9] 12 U.S.C. 5493(b)(2).

[10] *https://www.consumerfinance.gov/owning-a-home/.*

[11] *https://www.consumerfinance.gov/paying-for-college/.*

[12] *https://www.consumerfinance.gov/consumer-tools/retirement/.*

[13] *https://www.consumerfinance.gov/data-research/research-reports/financial-well-being-scale/.*

[14] *https://www.consumerfinance.gov/data-research/financial-well-being-survey-data/.*

d. Is there one set of metrics for program effectiveness that the Bureau could use across its financial education programs, or should it use different metrics depending on the type of program and delivery method (*e.g.,* online versus through a community channel)?

e. How can the Bureau's financial well-being scale be used to measure the effectiveness of financial education programs?

f. Should the Bureau consider adopting any measures of success for financial education that are used by others? What are those measures?

3. Avoiding duplication in financial education between the Bureau and other federal agencies or other entities.

a. Are there programs at other federal agencies that are similar to the Bureau's programs? Are these programs or aspects of these programs more or less effective than the Bureau's? If so, how and why?

b. Are there ways to improve coordination in financial education activities between the Bureau and other agencies?

4. Are there other perspectives or information that will assist the Bureau in its financial education work?

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

Dated: April 3, 2018.

Mick Mulvaney,

Acting Director, Bureau of Consumer Financial Protection.

[FR Doc. 2018–07222 Filed 4–6–18; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2018–OS–0018]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Deputy Assistant Secretary of Defense for Military Personnel Policy announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 8, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24 Suite 08D09B, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Executive Director of the Armed Forces Chaplains Board, USD P&R (MPP) AFCB, 4000 Defense Pentagon, Room 2D580, Washington, DC 20301–4000, or call the Office of the Executive Director of the Armed Forces Chaplains Board at 703–697–9015.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Appointment of Chaplains for the Military Services; DD Form 2088; OMB Control Number 0704–0190.

Needs and Uses: This information collection is necessary to provide certification that a Religious Ministry Professional is professionally qualified to become a chaplain.

Affected Public: Not-For-Profit Institutions.

Annual Burden Hours: 375.

Number of Respondents: 150.

Responses per Respondent: 10.

Annual Responses: 1,500.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

The DD Form 2088 is used to verify the professional and ecclesiastical qualifications of Religious Ministry Professionals for initial appointment or a chaplain's change of career status appointments as chaplains in the Military Service. This form is an essential element of a chaplain's professional qualifications and will become a part of a chaplain's military personnel record. DoD listed endorsing agents utilize the form to endorse military chaplains representing their organizations.

Dated: April 4, 2018.

Shelly E. Finke,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–07148 Filed 4–6–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality Integrity; Meeting

AGENCY: National Advisory Committee on Institutional Quality and Integrity (NACIQI), Office of Postsecondary Education, U.S. Department of Education.

ACTION: Announcement of an open meeting.

SUMMARY: This notice sets forth the agenda, time, and location for the May 22–24, 2018 meeting of the National Advisory Committee on Institutional Quality and Integrity (NACIQI), and provides information to members of the public regarding the meeting, including requesting to make oral comments. The notice of this meeting is required under § 10(a)(2) of the Federal Advisory Committee Act (FACA) and § 114(d)(1)(B) of the Higher Education Act (HEA) of 1965, as amended.

DATES: The NACIQI meeting will be held on May 22, 23, and 24, 2018, each day from 8:30 a.m. to 5:30 p.m.

ADDRESSES: Double Tree by Hilton Washington DC Crystal City, Washington Ballroom, 300 Army Navy Drive, Arlington, VA 22202

FOR FURTHER INFORMATION CONTACT: Jennifer Hong, Executive Director/Designated Federal Official, NACIQI, U.S. Department of Education, 400 Maryland Avenue SW, Room 271–03, Washington, DC 20202, telephone: (202) 453–7805, or email: *Jennifer.Hong@ed.gov.*

SUPPLEMENTARY INFORMATION:

NACIQI's Statutory Authority and Function: NACIQI is established under § 114 of the HEA. NACIQI advises the Secretary of Education with respect to:

- The establishment and enforcement of the standards of accrediting agencies or associations under subpart 2, part G, Title IV of the HEA, as amended.
- The recognition of specific accrediting agencies or associations.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV of the HEA and part C, subchapter I, chapter 34, Title 42, together with recommendations for improvement in such process.
- The relationship between (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions.
- Any other advisory function relating to accreditation and institutional eligibility that the Secretary of Education may prescribe by regulation.

Meeting Agenda: Agenda items for the May 2018 meeting are below.

Applications for Renewal of Recognition

1. Academy of Nutrition and Dietetics, Accreditation Council for Education in Nutrition and Dietetics. Scope of Recognition: The accreditation and pre-accreditation, within the United States, of Didactic and Coordinated Programs in Dietetics at both the undergraduate and graduate level, postbaccalaureate Dietetic Internships, and Dietetic Technician Programs at the associate degree level, and for its accreditation of such programs offered via distance education.

2. Accreditation Council on Optometric Education. Scope of Recognition: The accreditation in the United States of professional optometric degree programs, optometric technician (associate degree) programs, and optometric residency programs, and for the pre-accreditation category of Preliminary Approval for professional optometric degree programs.

3. Association of Advanced Rabbinical and Talmudic Schools, Accreditation Commission. Scope of Recognition: The accreditation and preaccreditation (''Correspondent'' and''Candidate'') within the United States of advanced rabbinical and Talmudic schools.

4. Council on Accreditation of Nurse Anesthesia Educational Programs. Scope of Recognition: The accreditation of institutions and programs of nurse anesthesia at the post master's certificate, master's, or doctoral degree levels in the United States, and its territories, including programs offering distance education.

5. Liaison Committee on Medical Education. Scope of Recognition: The accreditation of medical education programs within the United States leading to the M.D. degree.

6. National Association of Schools of Art and Design. Scope of Recognition: For the accreditation throughout the United States of freestanding institutions and units offering art/design and art/design-related programs (both degree- and non-degree-granting), including those offered via distance education.

7. Northwest Commission on Colleges and Universities. Scope of Recognition: The accreditation and preaccreditation (''Candidacy Status'') of postsecondary degree-granting educational institutions in Alaska, Idaho, Montana, Nevada, Oregon, Utah, and Washington, and the accreditation of programs offered via distance education within these institutions.

Compliance Report

1. American Bar Association, Council of the Section of Legal Education and Admissions to the Bar. Findings identified in the October 28, 2016 letter from the senior Department official following the June 23, 2016 NACIQI meeting available at: *https://opeweb.ed.gov/aslweb/finalstaffreports.cfm.* That letter identifies the following Criterion as areas of noncompliance: 34 CFR 602.15(a)(1), 602.15(a)(2), 602.15(a)(3), 602.16(a)(1)(viii), and 602.17(b). *Scope of Recognition:* The accreditation throughout the United States of programs in legal education that lead to the first professional degree in law as well as freestanding law schools offering such programs. This recognition also extends to the Accreditation Committee of the Section of Legal Education (Accreditation Committee) for decisions involving continued accreditation (referred to by the agency as ''approval'') of law schools.

2. American Osteopathic Association, Commission on Osteopathic College Accreditation. Findings identified in the October 28, 2016 letter from the senior Department official following the June 23, 2016 NACIQI meeting available at: *https://opeweb.ed.gov/aslweb/finalstaffreports.cfm.* That letter identifies the following Criterion as areas of noncompliance: 34 CFR 602.11, 602.13, 602.15(a)(3), 602.16(a)(1)(i), 602.16(a)(1)(ii), 602.16(a)(1)(iii), 602.16(a)(1)(iv), 602.16(a)(1)(v), 602.16(a)(1)(vi), 602.16(a)(1)(vii), 602.16(a)(1)(viii), 602.16(a)(1)(ix), 602.16(a)(1)(x), 602.16(a)(2), 602.17(a), 602.19(b), 602.20(a), and 602.26(b).

3. American Psychological Association, Commission on Accreditation. Findings identified in the September 22, 2016 letter from the senior Department official following the June 23, 2016 NACIQI meeting available at: *https://opeweb.ed.gov/aslweb/finalstaffreports.cfm.* That letter identifies the following Criterion as areas of noncompliance: 34 CFR 602.19(a), and 602.20(b). *Scope of Recognition:* The accreditation in the United States of doctoral programs in clinical, counseling, school and combined professional-scientific psychology; doctoral internship programs in health service psychology; and postdoctoral residency programs in health service psychology. The preaccreditation in the United States of doctoral internship programs in health service psychology; and postdoctoral residency programs in health service psychology.

4. Transnational Association of Christian Colleges and Schools, Accreditation Commission. Findings identified in the October 28, 2016 letter from the senior Department official following the June 23, 2016 NACIQI meeting available at: *https://opeweb.ed.gov/aslweb/finalstaffreports.cfm.* That letter identifies the following Criterion as areas of noncompliance: 34 CFR 602.15(a)(2), and 602.19(b). *Scope of Recognition:* The accreditation and preaccreditation (''Candidate'' Status) of Christian postsecondary institutions in the United States that offer certificates, diplomas, and associate, baccalaureate, and graduate degrees, including institutions that offer distance education.

Application for an Expansion of Scope

Association of Advanced Rabbinical and Talmudic Schools, Accreditation Commission. Scope of Recognition: The accreditation and preaccreditation (''Correspondent'' and ''Candidate'') within the United States of advanced rabbinical and Talmudic schools. Requested Scope: The accreditation of advanced Rabbinical and Talmudic institutions in the United States which grant postsecondary degrees such as Associate, Baccalaureate, Masters, Doctorate, First Rabbinic and First Talmudic degrees.

Application for Renewal of Recognition—State Agency for the Approval of Public Postsecondary Vocational Education

Puerto Rico State Agency for the Approval of Public Postsecondary Vocational, Technical Institutions and Programs.

Reducing Regulatory Burden in Accreditation

Update from the U.S. Department of Education on efforts to reduce regulatory burden and improve efficiencies in the accreditation program.

Oversight of For-Profit Institutions' Conversions to Non-Profit Entities

NACIQI received a letter from U.S. Senators Warren, Brown, Murray, Durbin, and Blumenthal, regarding their concerns of for-profit institutions converting to, or attempting to convert to, non-profit entities in order to avoid regulatory scrutiny. This letter is available at: *https://sites.ed.gov/naciqi/files/2018/03/2018.01.11-Letter-to-NACIQI-re-sectorial-conversions.pdf.* NACIQI will discuss this letter and the issues it raises at the meeting.

Presentation on Outcome Measures (OM) Component of the U.S. Department of Education's Integrated Postsecondary Education Data System (IPEDS) for Inclusion in the Accreditor Dashboards

Presentation by the Western Association of Schools and Colleges, Senior Colleges and University Commission (WSCUC)

WSCUC will present on its Graduation Rate Dashboard tool (GRD), and how the agency uses outcome measures, such as the GRD, as part of its accreditation process. This presentation is responsive to NACIQI's line of inquiry into how accrediting agencies use data to inform the accreditation process.

Subcommittee on Data

The subcommittee on data will report out on its activities since the last NACIQI meeting.

Meeting Discussion

In addition to following the HEA, the FACA, implementing regulations, and the NACIQI charter, as well as its customary procedural protocols, NACIQI inquiries will include the questions and topics listed in the pilot plan it adopted at its December 2015 meeting. A document entitled ''June 2016 Pilot Plan'' and available at: *http://sites.ed.gov/naciqi/files/naciqi-dir/2016-spring/pilot-project-march-2016.pdf,* provides further explanation and context framing NACIQI's work. As noted in this document, NACIQI's reviews of accrediting agencies will include consideration of data and information available on the accreditation data dashboards, *https://sites.ed.gov/naciqi/files/2017/09/Institutional-Performance-by-Accreditor-June-2017-Corrected.pdf.* Accrediting agencies that will be reviewed for renewal of recognition will not be on the consent agenda and are advised to come prepared to answer questions related to the following:

- Decision activities of and data gathered by the agency.
  - NACIQI will inquire about the range of accreditation activities of the agency since its prior review for recognition, including discussion about the various favorable, monitoring, and adverse actions taken. Information about the primary standards cited for the monitoring and adverse actions that have been taken will be sought.
  - NACIQI will also inquire about what data the agency routinely gathers about the activities of the institutions it accredits and about how that data is used in their evaluative processes.
- Standards and practices with regard to student achievement.
  - How does your agency address ''success with respect to student achievement'' in the institutions it accredits?
  - Why was this strategy chosen? How is this appropriate in your context?
  - What are the student achievement challenges in the institutions accredited by your agency?
  - What has changed/is likely to change in the standards about student achievement for the institutions accredited by your agency?
  - In what ways have student achievement results been used for monitoring or adverse actions?
- Agency activities in improving program/institutional quality.
  - How does this agency define ''at risk?''
  - What tools does this agency use to evaluate ''at risk'' status?
  - What tools does this agency have to help ''at risk'' institutions improve?
  - What can the agency tell us about how well these tools for improvement have worked?

To the extent NACIQI's questions go to improvement of institutions and programs that are not at risk of falling into noncompliance with agency requirements, the responses will be used to inform NACIQI's general policy recommendations to the Department rather than its recommendations regarding recognition of any individual agency.

The discussions and issues described above are in addition to, rather than substituting for, exploration by Committee members of any topic relevant to recognition.

Submission of Requests To Make an Oral Comment Regarding a Specific Accrediting Agency or State Approval Agency Under Review, or To Make an Oral Comment or Written Statement Regarding Other Issues Within the Scope of NACIQI's Authority

Opportunity to submit a written comment regarding a specific accrediting agency or state approval agency under review was solicited by a previous **Federal Register** notice published on January 24, 2018 (Vol. 83, No. 16). The comment period for submission of such comments closed on February 16, 2018. A second notice was published on February 22, 2018 (Vol. 83, No. 36) extending the written comment period until March 1, 2018 for the Accrediting Council for Independent Colleges and Schools and the American Bar Association, Council of the Section of Legal Education and Admissions to the Bar. Subsequently, a corrected notice was published on February 28, 2018 (Vol. 83, No. 40) clarifying the scope of written comments that could be submitted regarding the Accrediting Council for Independent Colleges and Schools and the American Bar Association, Council of the Section of Legal Education and Admissions to the Bar. Because all deadlines have passed, no further written comments regarding a specific agency or state approval agency under review will be accepted at this time. Members of the public may submit written statements regarding other issues within the scope of NACIQI's authority for consideration by the Committee in the manner described below. No individual in attendance or making oral presentations may distribute written materials at the meeting. Oral comments may not exceed three minutes.

Written statements and oral comments concerning NACIQI's work outside of a specific accrediting agency under review must be limited to the scope of NACIQI's authority as outlined under section 114 of the HEA.

There are two methods the public may use to request to make a third-party oral comment of three minutes or less at the May 22–24, 2018 meeting. To submit a written statement to NACIQI concerning its work outside a specific accrediting agency under review, please follow Method One.

Method One: Submit a written request by email to the *ThirdPartyComments@ed.gov* mailbox. Please do not send material directly to NACIQI members. Written statements to NACIQI concerning its work outside a specific accrediting agency under review, and requests to make oral comments, must be received by May 9, 2018, and include the subject line ''Oral Comment Request: (agency name),'' ''Oral Comment Request: (subject)'' or ''Written Statement: (subject).'' The email must include the name(s), title, organization/affiliation, mailing address, email address, telephone number, of the person(s) submitting a written statement or requesting to speak, and a brief summary (not to exceed one page) of the principal points to be made during the oral presentation. All individuals submitting an advance request in accordance with this notice will be afforded an opportunity to speak.

Method Two: Register at the meeting location on May 22, 2018, from 7:30 a.m.–8:30 a.m., to make an oral comment during NACIQI's deliberations. The requestor must provide the subject or agency name on which he or she wishes to comment, in addition to his or her name, title, organization/affiliation, mailing address, email address, and telephone number. A total of up to fifteen minutes for each agenda item will be allotted for oral commenters who register on May 22, 2018 by 8:30 a.m. Individuals will be selected on a first-come, first-served basis. If selected, each commenter's remarks may not exceed three minutes.

Access to Records of the Meeting: The Department will post the official report of the meeting on the NACIQI website within 90 days after the meeting. Pursuant to the FACA, the public may also inspect the materials at 400 Maryland Avenue SW, Washington, DC, by emailing *aslrecordsmanager@ed.gov* or by calling (202) 453–7615 to schedule an appointment.

Reasonable Accommodations: The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: 20 U.S.C. 1011c.

Lynn B. Mahaffie,

Deputy Assistant Secretary for Planning, Policy and Innovation.

[FR Doc. 2018–07212 Filed 4–6–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

[OE Docket No. EA–338–B]

Application To Export Electric Energy; Shell Energy North America (US), L.P.

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of Application.

SUMMARY: Shell Energy North America (US), L.P. (Shell Energy or Applicant) has applied to renew its authority to transmit electric energy from the United States to Mexico pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before May 9, 2018.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On May 9, 2013, DOE issued Order No. EA–338–A to Shell Energy, which authorized the Applicant to transmit electric energy from the United States to Mexico as a power marketer for a five-year term using existing international transmission facilities. That authority expires on May 5, 2018. On February 26, 2018, Shell Energy filed an application with DOE for renewal of the export authority contained in Order No. EA–338 for an additional five-year term.

In its application, Shell Energy states that it does not own or operate any electric generation or transmission facilities, and it does not have a franchised service area. The electric energy that Shell Energy proposes to export to Mexico would be purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The existing international transmission facilities to be utilized by Shell Energy have previously been authorized by Presidential Permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning Shell Energy's application to export electric energy to Mexico should be clearly marked with OE Docket No. EA–338–B. An additional copy is to be provided directly to both Serena A. Rwejuna, Bracewell LLP, 2001 M Street NW, Suite 900, Washington, DC 20036 and David L. Smith, Shell Energy North America (US), L.P., 1000 Main, Suite 1200, Houston, TX 77002.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after a determination is

made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program website at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov*.

Issued in Washington, DC, on April 3, 2018.

Christopher Lawrence,

Electricity Policy Analyst Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2018–07199 Filed 4–6–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Public Meeting of the Supercritical CO_2 Oxy-combustion Technology Group

AGENCY: National Energy Technology Laboratory, Office of Fossil Energy, Department of Energy.

ACTION: Notice of public meeting.

SUMMARY: The National Energy Technology Laboratory (NETL) will host a public meeting via WebEx April 24, 2018, of the Supercritical CO_2 Oxy-combustion Technology Group, to address challenges associated with oxy-combustion systems in directly heated supercritical CO_2 (sCO_2) power cycles.

DATES: The public meeting will be held on April 24, 2018, from 1:00 p.m. to 3:00 p.m.

ADDRESSES: The public meeting will be held via WebEx and hosted by NETL.

FOR FURTHER INFORMATION CONTACT: For further information regarding the public meeting, please contact Seth Lawson or Walter Perry at NETL by telephone at (304) 285–4469, by email at *Seth.Lawson@netl.doe.gov, Walter.Perry@netl.doe.gov,* or by postal mail addressed to National Energy Technology Laboratory, 3610 Collins Ferry Road, P.O. Box 880, Morgantown, WV 26507–0880. Please direct all media inquiries to the NETL Public Affairs Officer at (304) 285–0228.

SUPPLEMENTARY INFORMATION:

Instructions and Information on the Public Meeting

The public meeting will be held via WebEx. The public meeting will begin at 1:00 p.m. and end at 3:00 p.m. Agenda details will be available prior to the meeting on the NETL website, *https://www.netl.doe.gov/events/sco2-tech-group.* Interested parties may RSVP, to confirm their participation and receive login instructions, by emailing *Seth.Lawson@netl.doe.gov.*

The objective of the Supercritical CO_2 Oxy-combustion Technology Group is to promote a technical understanding of oxy-combustion for direct-fired sCO_2 power cycles by sharing information or viewpoints from individual participants regarding risk reduction and challenges associated with developing the technology.

Oxy-combustion systems in directly heated supercritical CO_2 (SCO_2) power cycles utilize natural gas or syngas oxy-combustion systems to produce a high temperature SCO_2 working fluid and have the potential to be efficient, cost effective and well-suited for carbon dioxide (CO_2) capture. To realize the benefits of direct fired SCO_2 power cycles, the following challenges must be addressed: chemical kinetic uncertainties, combustion instability, flowpath design, thermal management, pressure containment, definition/prediction of turbine inlet conditions, ignition, off-design operation, transient capabilities, in-situ flame monitoring, and modeling, among others.

The format of the meeting will facilitate equal opportunity for discussion among all participants; all participants will be welcome to speak. Following a detailed presentation by one volunteer participant regarding lessons learned from his or her area of research, other participants will be provided the opportunity to briefly share lessons learned from their own research. Meetings are expected to take place every other month with a different volunteer presenting at each meeting. Meeting minutes shall be published for those who are unable to attend.

This meeting is considered ''open-to-the-public;'' the purpose for this meeting has been examined during the planning stages, and NETL management has made specific determinations that affect attendance. All information presented at this meeting must meet criteria for public sharing or be published and available in the public domain. Participants should not communicate information that is considered official use only, proprietary, sensitive, restricted or protected in any way. Foreign nationals, who may be present, have not been approved for access to DOE information and technologies.

Dated: March 28, 2018.

Heather Quedenfeld,

Associate Director, Coal Technology Development & Integration Center, National Energy Technology Laboratory.

[FR Doc. 2018–07197 Filed 4–6–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–339–B]

Application To Export Electric Energy; Shell Energy North America (US), L.P.

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of Application.

SUMMARY: Shell Energy North America (US), L.P. (Applicant or Shell Energy) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before May 9, 2018.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C.§ 824a(e)).

On May 9, 2013, DOE issued Order No. EA–339–A to Shell Energy, which authorized the Applicant to transmit electric energy from the United States to Canada as a power marketer for a five-year term using existing international transmission facilities. That authority expires on May 5, 2018. On February 26, 2018, Shell Energy filed an application with DOE for renewal of the export authority contained in Order No. EA–339 for an additional five-year term.

In its application, Shell Energy states that it does not own or operate any electric generation or transmission facilities, and it does not have a

franchised service area. The electric energy that Shell Energy proposes to export to Canada would be surplus energy purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The existing international transmission facilities to be utilized by Shell Energy have previously been authorized by Presidential Permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

PROCEDURAL MATTERS: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning Shell Energy's application to export electric energy to Canada should be clearly marked with OE Docket No. EA–339–B. An additional copy is to be provided directly to both Serena A. Rwejuna, Bracewell LLP, 2001 M Street, NW, Suite 900, Washington, DC 20036 and David L. Smith, Shell Energy North America (US), L.P., 1000 Main, Suite 1200, Houston, TX 77002.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after a determination is made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program website at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov.*

Issued in Washington, DC, on April 3, 2018.

Christopher Lawrence,

Electricity Policy Analyst, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2018–07198 Filed 4–6–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket Nos. EA–444, EA–445, EA–446, EA–447, EA–448, EA–449 and EA–450]

Application To Export Electric Energy; Emera Energy Services Subsidiaries

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: Seven power marketing subsidiaries of Emera Incorporated (Emera) have applied for authority to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before May 9, 2018.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C.§ 824a(e)).

On February 22, 2018, seven subsidiaries of Emera each separately applied to DOE for authority to transmit electric energy from the United States to Canada as a power marketer for a five-year term using existing international transmission facilities. The Applicants are: Emera Energy Services Subsidiary No. 9 LLC (EESS–9) (OE Docket No. EA–444); Emera Energy Services Subsidiary No. 10 LLC (EESS–10) (OE Docket No. EA–445); Emera Energy Services Subsidiary No. 11 LLC (EESS–11) (OE Docket No. EA–446); Emera Energy Services Subsidiary No. 12 LLC (EESS–12) (OE Docket No. EA–4447; Emera Energy Services Subsidiary No. 13 LLC (EESS–13) (OE Docket No. EA–448); Emera Energy Services Subsidiary No. 14 LLC (EESS–14) (OE Docket No. EA–449); and Emera Energy Services Subsidiary No. 15 LLC (EESS–15) (OE Docket No. EA–450).

In its application, each Applicant states that it does not own or control any electric generation or transmission facilities, and it does not have a franchised service area. The electric energy that each Applicant proposes to export to Canada would be surplus energy purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The existing international transmission facilities to be utilized by the Applicant have previously been authorized by Presidential Permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning the Applicant's application to export electric energy to Canada should be clearly marked with OE Docket Nos. EA–444, EA–445, EA–446, EA–447, EA–448, EA–449 or EA–450 as listed above. An additional copy is to be provided to both Michael G. Henry, Emera Energy Services, Inc., 101 Federal St., Suite 1101, Boston, MA 02110 and to Bonnie A. Suchman, Esq., Suchman Law LLC, 8104 Paisley Place, Potomac, MD 20854.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after a determination is made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program website at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov.*

Issued in Washington, DC, on April 3, 2018.

Christopher Lawrence,

Electricity Policy Analyst, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2018–07201 Filed 4–6–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–39–000; CP18–40–000]

Notice of Schedule for Environmental Review of the Questar Southern Trail Pipeline Company Southern Trail Pipeline Abandonment Project; Navajo Tribal Utility Authority

On December 22, 2017, Questar Southern Trail Pipeline Company (Questar) filed an application in Docket No. CP18–39–000 requesting permission pursuant to section 7(b) of the Natural Gas Act to abandon all of its certificated facilities, part by sale to Navajo Tribal Utility Authority and part in place. The proposed Southern Trail Pipeline Abandonment Project (Project) includes the abandonment of about 488 miles of natural gas pipeline and related facilities located in California, Arizona, Utah, and New Mexico.

On December 22, 2017, the Navajo Tribal Utility Authority filed a related application in Docket No. CP18–40–000 requesting a service area determination pursuant to section 7(f) of the Natural Gas Act to utilize those acquired facilities to provide to its own service.

On January 3, 2018, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Applications for the proposals. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—April 25, 2018

90-day Federal Authorization Decision Deadline—July 24, 2018

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Questar proposes to abandon about 488 miles of natural gas pipeline and related facilities located in California, Arizona, Utah, and New Mexico. About 220 miles proposed for abandoned in place are in San Bernardino County, California and Mohave, Yavapai, Coconino and Apache Counties, Arizona. About 268 miles would be abandoned by sale are in Coconino, Navajo and Apache Counties, Arizona; San Yuan County, New Mexico and San Yuan County, Utah.

Background

On February 8, 2018, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Southern Trail Pipeline Abandonment Project (Project) and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the NOI, the Commission received comments from the U.S. Environmental Protection Agency and one landowner (Atkinson Trading Company). The primary issues raised by the commentors are purpose and need; water resources; fish and wildlife; cultural resources and tribal consultation; air quality and noise; impacts on landowners, including eminent domain; cumulative impacts; and alternatives.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the eLibrary link, select General Search from the eLibrary menu, enter the selected date range and Docket Number excluding the last three digits (*i.e.,* CP18–39 and CP18–40), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: April 3, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–07134 Filed 4–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP18–664–000.
Applicants: Horizon Pipeline Company, L.L.C.
Description: Penalty Revenue Crediting Report of Horizon Pipeline Company, L.L.C.
Filed Date: 3/29/18.
Accession Number: 20180329–5371.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–665–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Penalty Revenue Crediting Report of Natural Gas Pipeline Company of America LLC.
Filed Date: 3/29/18.
Accession Number: 20180329–5372.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–666–000.
Applicants: Bison Pipeline LLC.
Description: Company Use Gas Annual Report of Bison Pipleine LLC.
Filed Date: 3/28/18.
Accession Number: 20180328–5289.
Comments Due: 5 p.m. ET 4/9/18.

Docket Numbers: RP18–667–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Annual Fuel and Losses Retention Calculations of Iroquois Gas Transmission System, L.P.
Filed Date: 3/29/18.
Accession Number: 20180329–5373.
Comments Due: 5 p.m. ET 4/10/18.

Docket Numbers: RP18–668–000.
Applicants: Rockies Express Pipeline LLC.
Description: Annual Incidental Purchases and Sales Report of Rockies Express Pipeline LLC.
Filed Date: 3/30/18.
Accession Number: 20180330–5318.
Comments Due: 5 p.m. ET 4/11/18.

Docket Numbers: RP18–669–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Pensacola 43993 to BP 49330 to 49345) to be effective 4/1/2018.
Filed Date: 4/2/18.
Accession Number: 20180402–5121.
Comments Due: 5 p.m. ET 4/16/18.

Docket Numbers: RP18–670–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Petrohawk 41455 releases eff 4–1–2018) to be effective 4/1/2018.
Filed Date: 4/2/18.
Accession Number: 20180402–5122.
Comments Due: 5 p.m. ET 4/16/18.

Docket Numbers: RP18–671–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Newfield 18 releases eff 4–1–2018) to be effective 4/1/2018.
Filed Date: 4/2/18.
Accession Number: 20180402–5123.
Comments Due: 5 p.m. ET 4/16/18.

Docket Numbers: RP18–672–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Gulfport 34939, 35446 to Eco-Energy 37068, 37069) to be effective 4/1/2018.
Filed Date: 4/2/18.
Accession Number: 20180402–5127.
Comments Due: 5 p.m. ET 4/16/18.

Docket Numbers: RP18–673–000.
Applicants: Guardian Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Update Non-Conforming and Negotiated Rate Agreements—April 2018 to be effective 4/2/2018.
Filed Date: 4/2/18.
Accession Number: 20180402–5135.
Comments Due: 5 p.m. ET 4/16/18.

Docket Numbers: RP18–674–000.
Applicants: Viking Gas Transmission Company.
Description: § 4(d) Rate Filing: Update Non-Conforming and Negotiated Rate Agreements—April 2018 to be effective 4/2/2018.
Filed Date: 4/2/18.
Accession Number: 20180402–5155.
Comments Due: 5 p.m. ET 4/16/18.

Docket Numbers: RP18–675–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Capacity Release Agreements—4/1/2018 to be effective 4/1/2018.
Filed Date: 4/2/18.
Accession Number: 20180402–5180.
Comments Due: 5 p.m. ET 4/16/18.

Docket Numbers: RP18–676–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—Con Edison Releases eff 4–1–2018 Filing #3 to be effective 4/1/2018.
Filed Date: 4/2/18.
Accession Number: 20180402–5186.
Comments Due: 5 p.m. ET 4/16/18.

Docket Numbers: RP18–677–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 040218 Negotiated Rates—Sierentz Global Merchants R–7845–04 to be effective 4/3/2018.
Filed Date: 4/2/18.
Accession Number: 20180402–5200.
Comments Due: 5 p.m. ET 4/16/18.

Docket Numbers: RP18–678–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20180402 Negotiated Rate to be effective 4/3/2018.
Filed Date: 4/2/18.
Accession Number: 20180402–5246.
Comments Due: 5 p.m. ET 4/16/18.

Docket Numbers: RP18–679–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Request for Waiver of Section 284.13(d)(1) of the Commission's regulations of Transcontinental Gas Pipe Line Company, LLC.
Filed Date: 3/30/18.
Accession Number: 20180330–5338.
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 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 3, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–07138 Filed 4–6–18; 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 corporate filings:

Docket Numbers: EC18–79–000.
Applicants: MDU Resources Group, Inc., Ace Wind LLC, Thunder Spirit Wind, LLC.
Description: Application of MDU Resources Group, Inc., et al. for Authorization under FPA Section 203 for Disposition of Jurisdictional Facilities, et al.
Filed Date: 4/2/18.
Accession Number: 20180402–5400.
Comments Due: 5 p.m. ET 4/23/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–3199–004.
Applicants: MDU Resources Group, Inc.
Description: Supplement to December 29, 2017 Updated Market Analysis in the Central Region of MDU Resources Group, Inc.
Filed Date: 4/2/18.
Accession Number: 20180402–5404.
Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–728–001.
Applicants: California Independent System Operator Corporation.
Description: Compliance filing: 2018–04–03 Petition for Tariff Waiver to Delay Implementation RAAIM Methodology to be effective N/A.
Filed Date: 4/3/18.
Accession Number: 20180403–5114.
Comments Due: 5 p.m. ET 4/24/18.

Docket Numbers: ER18–1263–001.
Applicants: Pacific Gas and Electric Company.
Description: Tariff Amendment: Errata to Amendment No. 1 to Westside Power Authority IA and WDT SA (SA 15) to be effective 6/1/2018.
Filed Date: 4/2/18.
Accession Number: 20180402–5162.
Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–1264–001.
Applicants: Westar Energy, Inc.
Description: Tariff Amendment: Amendment to MPS Electric Interconnection Agreement to be effective 5/1/2018.
Filed Date: 4/2/18.
Accession Number: 20180402–5184
Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–1267–001.
Applicants: South Central MCN LLC.
Description: Tariff Amendment: Amended OATT Tariff Filing to be effective 3/31/2018.

Filed Date: 4/2/18.
Accession Number: 20180402–5274.
Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–1286–000.
Applicants: FirstEnergy Solutions Corp.
Description: § 205(d) Rate Filing: Amendment to Reactive Service Rate Schedule FERC No. 1 to be effective 12/31/9998.
Filed Date: 4/2/18.
Accession Number: 20180402–5301.
Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–1287–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: ISO–NE and NEPOOL; Forward Capacity Market Revisions to be effective 6/1/2018.
Filed Date: 4/2/18.
Accession Number: 20180402–5324.
Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–1288–000.
Applicants: California Independent System Operator Corporation.
Description: Compliance filing: 2018–04–02 Petition for Tariff Waiver to Delay Implementation RAAIM Methodology to be effective N/A.
Filed Date: 4/2/18.
Accession Number: 20180402–5364.
Comments Due: 5 p.m. ET 4/23/18.

Docket Numbers: ER18–1289–000.
Applicants: Industrial Assets, Inc.
Description: Baseline eTariff Filing: Baseline new to be effective 6/2/2018.
Filed Date: 4/3/18.
Accession Number: 20180403–5000.
Comments Due: 5 p.m. ET 4/24/18.

Docket Numbers: ER18–1290–000.
Applicants: NSTAR Electric Company.
Description: § 205(d) Rate Filing: Design Engineering Construction Agreement between NSTAR and New England Power Co to be effective 4/3/2018.
Filed Date: 4/3/18.
Accession Number: 20180403–5118.
Comments Due: 5 p.m. ET 4/24/18.

Docket Numbers: ER18–1291–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: 2018–04–03_SA 3028 Ameren IL-Prairie Power Project#12 Atkinson to be effective 3/8/2018.
Filed Date: 4/3/18.
Accession Number: 20180403–5131.
Comments Due: 5 p.m. ET 4/24/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 3, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–07137 Filed 4–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202)502–8659.

Docket No.	File date	Presenter or requester
Prohibited		
1. CP15–558–000	3–19–2018	Mass Mailings.[1]
2. CP17–101–000	3–22–2018	Kelley Armstrong.
3. CP17–101–000	3–22–2018	Karl Kimmich.
4. CP17–101–000	3–22–2018	Michael Butler.
5. CP17–101–000	3–22–2018	Bill Kelley, Sr.
6. CP15–558–000	3–22–2018	William Gill Smith.

Docket No.	File date	Presenter or requester
Exempt		
1. P–2305–000	3–22–2018	U.S. House Representative Brian Babin, D.D.S.
2. CP15–88–000	3–23–2018	Boyle County, Kentucky Fiscal Court.
3. CP17–101–000	3–26–2018	U.S. Senator Cory A. Booker.
4. CP16–121–000	3–27–2018	U.S. Senator Sheldon Whitehouse.
5. CP16–10–000, CP15–554–000	3–29–2018	U.S. House Representative David E. Price.

[1] Eight letters have been sent to FERC Commissioners and staff under this docket number.

Dated: April 3, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–07139 Filed 4–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1966–000]

Notice of Authorization for Continued Project Operation; Wisconsin Public Service Corporation

On September 28, 2012, Wisconsin Public Service Corporation, licensee for the Grandfather Falls Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Grandfather Falls Hydroelectric Project facility is located on the Wisconsin River in Lincoln County, Wisconsin.

The license for Project No. 1966 was issued for a period ending March 31, 2018. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 1966 is issued to the licensee for a period effective April 1, 2018 through March 31, 2019 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before March 31, 2019, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the licensee, Wisconsin Public Service Corporation, is authorized to continue operation of the Grandfather Falls Hydroelectric Project, until such time as the Commission acts on its application for a subsequent license.

Dated: April 3, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–07136 Filed 4–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1940–000]

Notice of Authorization for Continued Project Operation; Wisconsin Public Service Corporation

On September 28, 2012, Wisconsin Public Service Corporation, licensee for the Tomahawk Hydroelectric Project, filed an Application for a New License pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. The Tomahawk Hydroelectric Project facility is located on the Wisconsin River in Lincoln County, Wisconsin.

The license for Project No.1940 was issued for a period ending March 31, 2018. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 1940 is issued to the licensee for a period effective April 1, 2018 through March 31, 2019 or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before March 31, 2019, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license

under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that the licensee, Wisconsin Public Service Corporation, is authorized to continue operation of the Tomahawk Hydroelectric Project, until such time as the Commission acts on its application for a subsequent license.

Dated: April 3, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–07135 Filed 4–6–18; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 24, 2018.

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *The DeNault Family Trust dated August 18, 1978, as restated in full on June 1, 2009, Boulder Creek, California (''Trust''), and its trustees, John M. Cullison, Concord, California, Bodey D. DeNault, Ridgefield, Washington, Jean W. DeNault, Boulder Creek, California, John B. DeNault III, Fullerton, California, Kenneth J. DeNault, Cedar Falls, Iowa, Wendy Robeson, Raleigh, North Carolina, and John R. Stowe, Laguna Woods, California;* to retain additional voting shares of Liberty Bancorp, and thereby retain voting shares of Liberty Bank, both of South San Francisco, California.

Board of Governors of the Federal Reserve System, April 4, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–07194 Filed 4–6–18; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 7, 2018.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Rock Rivers Bancorp, Rock Rapids, Iowa;* to become a bank holding company upon conversion of its subsidiary Frontier Bank, Rock Rapids, Iowa, from a savings association to a South Dakota state-chartered bank.

Board of Governors of the Federal Reserve System, April 4, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–07195 Filed 4–6–18; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (FTC).

ACTION: Notice and request for comment.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, the FTC is seeking public comments on its request to OMB for a three-year extension of the current PRA clearance for information collection requirements contained in the Commission's Rules and Regulations under the Wool Products Labeling Act of 1939 (Wool Rules). The clearance expires on April 30, 2018.

DATES: Comments must be received by May 9, 2018.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Wool Rules: FTC File No. P072108'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/woolrulespra2* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be addressed to Jock K. Chung, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Mail Code CC–9528, 600 Pennsylvania Ave. NW, Washington, DC 20580, (202) 326–2984.

SUPPLEMENTARY INFORMATION:

Title: Rules and Regulations under the Wool Products Labeling Act of 1939, 16 CFR part 300.

OMB Control Number: 3084–0100.

Type of Review: Extension of a currently approved collection.

Abstract: The Wool Products Labeling Act of 1939 (Wool Act) [1] prohibits the misbranding of wool products. The Wool Rules establish disclosure

[1] 15 U.S.C. 68 *et seq.*

requirements that assist consumers in making informed purchasing decisions and recordkeeping requirements that assist the Commission in enforcing the Rules.

On January 16, 2018, the Commission sought comment on the information collection requirements in the Wool Rules. 83 FR 2154. No germane comments were received.[2] As required by OMB regulations, 5 CFR part 1320, the FTC is providing this second opportunity for public comment.

Likely Respondents: Manufacturers, importers, processors and marketers of wool products.

Frequency of Response: Third party disclosure; recordkeeping requirement.

Estimated annual hours burden: 1,880,000 hours (160,000 recordkeeping hours + 1,720,000 disclosure hours).

Recordkeeping: 160,000 hours [4,000 wool firms incur an average 40 hours per firm].

Disclosure: 1,720,000 hours [240,000 hours for determining label content + 480,000 hours to draft and order labels + 1,000,000 hours to attach labels].

Estimated Annual Cost Burden: $23,740,000 (solely relating to labor costs).[3]

Request for Comment

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before May 9, 2018. Write ''Wool Rules: FTC File No. P072108'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission website, at *http://www.ftc.gov/os/publiccomments.shtm.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/woolrulespra2* by following the instructions on the web-based form. When this Notice appears at *https://www.regulations.gov,* you also may file a comment through that website.

If you file your comment on paper, write ''Wool Rules: FTC File No. P072108'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610, Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Comments on the information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503. Comments sent to OMB by U.S. postal mail are subject to delays due to heightened security precautions. Thus, comments can also be sent via email to *Wendy_L._Liberante@omb.eop.gov.*

Because your comment will be placed on the publicly accessible FTC website at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before May 9, 2018. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

David C. Shonka,

Acting General Counsel.

[FR Doc. 2018–07128 Filed 4–6–18; 8:45 am]

BILLING CODE 6750–01–P

[2] The Commission received four non-germane comments.

[3] The 60-Day Federal Register notice incorrectly set out $16,380,000 as the estimated annual cost burden for labor costs. However, the same notice also correctly included $23,740,000 as this estimated cost after tabulating the constituent numbers. 83 FR 2154, 2155.

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (FTC).

ACTION: Notice and request for comment.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, the FTC is seeking public comments on its request to OMB for a three-year extension of the current PRA clearance for information collection requirements contained in the Care Labeling of Textile Wearing Apparel and Certain Piece Goods As Amended (Care Labeling Rule). The clearance expires on April 30, 2018.

DATES: Comments must be received by May 9, 2018.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Care Labeling Rule: FTC File No. P072108'' on your comment, and file your comment online at *https://*

ftcpublic.commentworks.com/ftc/carelabelingrulepra2 by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be addressed to Hampton Newsome, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Mail Code CC–9528, 600 Pennsylvania Ave. NW, Washington, DC 20580, (202) 326–2889.

SUPPLEMENTARY INFORMATION:

Title: The Care Labeling of Textile Wearing Apparel and Certain Piece Goods As Amended (Care Labeling Rule), 16 CFR 423.

OMB Control Number: 3084–0103.

Type of Review: Extension of a currently approved collection.

Abstract: The Care Labeling Rule requires manufacturers and importers to attach a permanent care label to all covered textile clothing in order to assist consumers in making purchase decisions and in determining what method to use to clean their apparel. Also, manufacturers and importers of piece goods used to make textile clothing must provide the same care information on the end of each bolt or roll of fabric.

On January 16, 2018, the Commission sought comment on the information collection requirements in the Care Labeling Rule. 83 FR 2156. No germane comments were received.[1] As required by OMB regulations, 5 CFR part 1320, the FTC is providing this second opportunity for public comment.

Estimated Annual Hours Burden: 32,600,587 hours (solely relating to disclosure [2]) (1,074,400 hours to determine care instructions + 859,520 hours to draft and order labels + 30,666,666 hours to attach labels).

Likely Respondents: Manufacturers or importers of textile apparel.

Frequency of Response: Third party disclosure.

Estimated Annual Cost Burden: $214,221,229 (solely relating to labor costs).

Request for Comment

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before May 9, 2018. Write ''Care Labeling Rule: FTC File No. P072108'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission website, at *http://www.ftc.gov/os/publiccomments.shtm.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/carelabelingrulepra2* by following the instructions on the web-based form. When this Notice appears at *http://www.regulations.gov,* you also may file a comment through that website.

If you file your comment on paper, write ''Care Labeling Rule: FTC File No. P072108'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610, Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service. Comments on the information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street, NW, Washington, DC 20503. Comments sent to OMB by U.S. postal mail are subject to delays due to heightened security precautions. Thus, comments can also be sent via email to *wliberante@omb.eop.gov.*

Because your comment will be placed on the publicly accessible FTC website at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before May 9, 2018. For information on the Commission's privacy policy, including routine uses permitted by the

[1] The Commission received five non-germane comments.

[2] The Care Labeling Rule imposes no specific recordkeeping requirements. Although the Rule requires manufacturers and importers to have reliable evidence to support the recommended care instructions, companies in some circumstances can rely on current technical literature or past experience.

Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

David C. Shonka,

Acting General Counsel.

[FR Doc. 2018–07126 Filed 4–6–18; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (FTC).

ACTION: Notice and request for comment.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, the FTC is seeking public comments on its request to OMB to extend for three years the current PRA clearances for information collection requirements contained in the Commission's Rules and Regulations under the Textile Fiber Products Identification Act (Textile Rules). The clearance expires on April 30, 2018.

DATES: Comments must be received by May 9, 2018.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Textile Rules: FTC File No. P072108'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/textilerulespra2* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be addressed Jock K. Chung, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Mail Code CC–9528, 600 Pennsylvania Ave. NW, Washington, DC 20580, (202) 326–2984.

SUPPLEMENTARY INFORMATION:

Title: Rules and Regulations under the Textile Fiber Products Identification Act, 16 CFR part 303.

OMB Control Number: 3084–0101.

Type of Review: Extension of a currently approved collection.

Abstract: The Textile Fiber Products Identification Act (Textile Act) [1] prohibits the misbranding and false advertising of textile fiber products. The Textile Rules establish disclosure requirements that assist consumers in making informed purchasing decisions, and recordkeeping requirements that assist the Commission in enforcing the Rules. The Rules also contain a petition procedure for requesting the establishment of generic names for textile fibers.

On January 22, 2018, the Commission sought comment on the information collection requirements in the Textile Rules. 83 FR 2992. No germane comments were received.[2] As required by OMB regulations, 5 CFR part 1320, the FTC is providing this second opportunity for public comment.

Likely Respondents: Manufacturers, importers, processors and marketers of textile fiber products.

Frequency of Response: Third party disclosure; recordkeeping requirement.

Estimated annual hours burden: 37,007,147 hours (782,600 recordkeeping hours + 36,224,547 disclosure hours).

Recordkeeping: 782,600 hours (approximately 12,040 textile firms incur average burden of 65 hours per firm).

Disclosure: 36,224,547 hours (698,360 hours to determine label content + 859,520 hours to draft and order labels + 34,666,667 hours to attach labels).

Estimated annual cost burden: 239,778,909 (solely relating to labor costs).

Request for Comment

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before May 9, 2018. Write ''Textile Rules: FTC File No. P072108'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission website, at *http://www.ftc.gov/os/publiccomments.shtm.*

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/textilerulespra2* by following the instructions on the web-based form. When this Notice appears at *http://www.regulations.gov,* you also may file a comment through that website.

If you file your comment on paper, write ''Textile Rules: FTC File No. P072108'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610, Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service. Comments on the information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503. Comments sent to OMB by U.S. postal mail are subject to delays due to heightened security precautions. Thus, comments can also be sent via email to *Wendy_L._Liberante@omb.eop.gov.*

Because your comment will be placed on the publicly accessible FTC website at *https://www.ftc.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas,

[1] 15 U.S.C. 70 *et seq.*

[2] The Commission received three non-germane comments.

patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before May 9, 2018. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

David C. Shonka,

Acting General Counsel.

[FR Doc. 2018–07127 Filed 4–6–18; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1069]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Blood Establishment Registration and Product Listing, Form FDA 2830

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 9, 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 0910–0052. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Blood Establishment Registration and Product Listing, Form FDA 2830—21 CFR part 607 OMB Control Number 0910–0052—Extension

Under section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360), any person owning or operating an establishment that manufactures, prepares, propagates, compounds, or processes a drug or device must register with the Secretary of Health and Human Services, on or before December 31 of each year, his or her name, places of business, and all such establishments, among other information, and must submit a list of all drug and all device products manufactured, prepared, propagated, compounded, or processed by him or her for commercial distribution, among other information. In part 607 (21 CFR part 607), FDA has issued regulations implementing these requirements for manufacturers of human blood and blood products.

Section 607.20(a), requires, in part, that owners or operators of certain establishments that engage in the manufacture of blood products register and submit a list of every blood product in commercial distribution.

Section 607.21 requires the owner or operator of an establishments entering into the manufacturing of blood products to register the establishment within 5 days after beginning such operation and to submit a list of every blood product in commercial distribution at the time. If the owner or operator of the establishment has not previously entered into such operation for which a license is required, registration must follow within 5 days after the submission of a biologics license application. In addition, owners or operators of all establishments so engaged must register annually between October 1 and December 31 and update their blood product listing every June and December.

Section 607.22(a) requires, in part, that initial and subsequent registrations and product listings be submitted electronically through the Blood Establishment Registration and Product Listing system or any future superseding electronic system.

Section 607.22(b) requires, in part, that requests for a waiver of the requirements of § 607.22 be submitted in writing and include the specific reasons why electronic submission is not reasonable for the registrant.

Section 607.22(c) provides that if FDA grants the waiver request, FDA may limit its duration and will specify the terms of the waiver and provide information on how to submit establishment registration, drug listings, other information, and updates, as applicable (*e.g.,* Form FDA 2830).

Section 607.25 sets forth the information required for establishment registration and blood product listing.

Section 607.26 requires, in part, that certain changes, such as ownership or location changes, be submitted to FDA electronically as an amendment to establishment registration within 5 calendar days of such changes using the FDA Blood Establishment Registration and Product Listing system, or any future superseding electronic system.

Section 607.30(a), in part, sets forth the information required from owners or operators of establishments when they update their blood product listing information in June and December of each year (at a minimum).

Section 607.31 requires that certain additional blood product listing information be provided upon request by FDA.

Section 607.40 requires, in part, that certain foreign blood product establishments comply with the establishment registration and blood product listing information requirements in part 607, subpart B (§§ 607.20 through 607.39, 607.40(a) and (b)), and provide the name and address of the establishment and the name of the individual responsible for submitting establishment registration and blood product listing information (§ 607.40(c))

as well as the name, address, and phone number of its U.S. agent (§ 607.40(d)).

This information assists FDA in its inspections of facilities, among other uses, and its collection is essential to the overall regulatory scheme designed to ensure the safety of the Nation's blood supply.

Respondents to this collection of information are human blood and plasma donor centers, blood banks, certain transfusion services, other blood product manufacturers, and independent laboratories that engage in quality control and testing for registered blood product establishments.

FDA estimates the burden of this collection of information based upon information obtained from the database of FDA's Center for Biologics Evaluation and Research and FDA experience with the blood establishment registration and product listing requirements.

In the **Federal Register** of December 26, 2017 (82 FR 61013), FDA published a 60-day notice requesting public comment on the proposed collection of information. We received no comments.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Activity/form FDA 2830	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
607.20(a), 607.21, 607.22, 607.25, and 607.40.	Initial Registration.	115	1	115	1	115
607.21, 607.22, 607.25, 607.26, 607.31, and 607.40.	Annual Registration.	2,612	1	2,612	0.5 (30 minutes)	1,306
607.21, 607.25, 607.30(a), 607.31, and 607.40.	Product Listing Update.	200	1	200	0.25 (15 minutes)	50
607.22(b)	Waiver Requests	25		25	1	25
Total						1,496

[1]There are no capital costs of operating and maintenance costs associated with this collection of information.

The burden for this information collection has changed since the last OMB approval. Because of a slight increase in the number of initial registrations and product listing updates FDA has received during the past 3 years, we have increased our reporting burden estimate.

Dated: April 3, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–07145 Filed 4–6–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0545]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request

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 9, 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 0910–0256. 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.

Infant Formula Requirements—21 CFR parts 106 and 107

OMB Control Number 0910–0256—Extension

This information collection supports FDA regulations regarding infant formula requirements. Statutory requirements for infant formula under the Federal Food, Drug, and Cosmetic Act (FD&C Act) are intended to protect the health of infants and include a number of reporting and recordkeeping requirements. Among other things, section 412 of the FD&C Act (21 U.S.C. 350a) requires manufacturers of infant formula to establish and adhere to quality control procedures, notify us when a batch of infant formula that has left the manufacturers' control may be adulterated or misbranded, and keep records of distribution. We also regulate the labeling of infant formula under the authority of section 403 of the FD&C Act (21 U.S.C. 343). The purpose of the labeling requirements is to ensure that consumers have the information they need to prepare and use infant formula appropriately. The regulations for infant formula requirements are codified in 21 CFR parts 106 and 107.

To assist respondents with applicable reporting provisions found in the regulations, we have developed an electronic Form FDA 3978 that allows infant formula manufacturers to electronically submit reports and notifications in a standardized format. Form FDA 3978 prompts respondents to include information in a standardized format and helps respondents organize submissions to include only the information needed for our review. Draft screenshots of Form FDA 3978 and instructions are available at *https://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/InfantFormula/default.htm.* Form FDA 3978 was deployed in 2017 as a pilot by FDA and, while informal feedback regarding its use has been favorable, we continue to invite comment. If manufacturers prefer, however, FDA continues to accept paper submissions.

In the **Federal Register** of November 15, 2017, we published a notice inviting public comment on the proposed collection of information. No comments were received. We therefore retain our original burden estimate for the information collection, which is as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

FD&C act or 21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Reports; Section 412(d) of the FD&C Act	5	13	65	10	650
Notifications; § 106.120(b)	1	1	1	4	4
Reports for Exempt Infant Formula; § 107.50(b)(3) and (4)	3	2	6	4	24
Notifications for Exempt Infant Formula;§ 107.50(e)(2)	1	1	1	4	4
Requirements for Quality Factors Growth Monitoring Study Exemption; § 106.96(c).	4	9	36	20	720
Requirements for Quality Factors—PER Exemption; § 106.96(g)	1	34	34	12	408
New Infant Formula Registration; § 106.110	4	9	36	0.50 (30 minutes)	18
New Infant Formula Submission; § 106.120	4	9	36	10	360
Total					2,188

[1] There are no capital or operating and maintenance costs associated with the information collection.

In compiling these estimates, we consulted our records of the number of infant formula submissions we received under the information collection. All infant formula submissions may be provided to us in electronic format. Our estimate of the time needed per response is based on our experience with similar programs and informal feedback we have received from industry.

We assume that we will receive 13 reports from 5 manufacturers under section 412(d) of the FD&C Act, for a total of 65 reports annually. We assume each report takes 10 hours to compile for a total of 650 hours annually. We also assume that we will receive one notification under § 106.120(b) and 4 hours is needed per response, for a total of 4 hours annually.

For exempt infant formula, we assume we will receive two reports from three manufacturers under § 107.50(b)(3) and (4), for a total of six reports annually. We assume each report takes 4 hours to compile for a total burden of 24 hours annually. We also assume we will receive one notification annually under § 107.50(e)(2) and that it takes 4 hours to prepare.

We assume that 4 firms will submit 36 exemptions under § 106.96(c) and that each exemption will take 20 hours to assemble for a total burden of 720 hours annually, as reflected in row 5 of table 1.

We assume that the infant formula industry annually submits 35 protein efficiency ratio (PER) submissions. For the submission of the PER exemption, we estimate that the infant formula industry submits 34 exemptions per year and that each exemption takes supporting staff 12 hours to prepare. Therefore, we calculate 34 exemptions × 12 hours per exemption = 408 hours to fulfill the requirements of § 106.96(g), as shown in row 6 of table 1.

We estimate that four firms each use one senior scientist or regulatory affairs professional who needs 30 minutes to gather and record the required information for an infant formula registration under § 106.110. We estimate that the industry annually registers 35 new infant formulas, or an average of 9 registrations per firm. Therefore, we calculate the annual burden as 36 registrations × 0.5 hour per registration = 17.5 (rounded to 18) hours, as shown in row 7 of table 1.

We estimate that four firms each use one senior scientist or regulatory affairs professional who needs 10 hours to gather and record information needed for infant formula submissions under § 106.120. This estimate includes the time needed to gather and record the information the manufacturer uses to request an exemption under § 106.91(b)(1)(ii), which provides that the manufacturer includes the scientific evidence that the manufacturer is relying on to demonstrate that the stability of the new infant formula will likely not differ from the stability of formula with similar composition, processing, and packaging for which there are extensive stability data. We estimate that 4 firms make submissions for 36 new infant formulas, or an average of 9 submissions per firm. Therefore, to comply with § 106.120, we calculate the annual burden as 36 submissions × 10 hours per submission = 360 hours, as shown in row 8 of table 1. Thus, the total annual reporting burden is 2,188 hours.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity; 21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Controls to prevent adulteration caused by facilities—testing for radiological contaminants; [3] § 106.20(f)(3)	21	1	21	1.5 (90 minutes)	32
Controls to prevent adulteration caused by facilities—recordkeeping of testing for radiological contaminants; [2] §§ 106.20(f)(4) and 106.100(f)(1)	21	1	21	0.08 (5 minutes)	2
Controls to prevent adulteration caused by facilities—testing for bacteriological contaminants § 106.20(f)(3)	5	52	260	0.08 (5 minutes)	21
Controls to prevent adulteration caused by facilities—recordkeeping of testing for bacteriological contaminants §§ 106.20(f)(4) and 106.100(f)(1)	5	52	260	0.08 (5 minutes)	21
Controls to prevent adulteration by equipment or utensils; §§ 106.30(d) and 106.100(f)(2)	5	52	260	0.22 (13 minutes)	57
Controls to prevent adulteration by equipment or utensils; §§ 106.30(e)(3)(iii) and 106.100(f)(3)	5	52	260	0.22 (13 minutes)	57

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]—Continued

Activity; 21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Controls to prevent adulteration by equipment or utensils; §§ 106.30(f) and 106.100(f)(4)	5	52	260	0.20 (12 minutes)	52
Controls to prevent adulteration due to automatic (mechanical or electronic) equipment; §§ 106.35(c) and 106.100(f)(5)	5	1	5	520	2,600
Controls to prevent adulteration due to automatic (mechanical or electronic) equipment §§ 106.35(c) and 106.100(f)(5)	5	2	10	640	6,400
Controls to prevent adulteration caused by ingredients, containers, and closures; §§ 106.40(d) and 106.100(f)(6)	5	52	260	0.17 (10 minutes)	44
Controls to prevent adulteration during manufacturing; §§ 106.50(a)(1) and 106.100(e)	5	52	260	0.23 (14 minutes)	60
Controls to prevent adulteration from microorganisms; §§ 106.55(d) and 106.100(e)(5)(ii) and (f)(7)	5	52	260	0.25 (15 minutes)	65
Controls to prevent adulteration during packaging and labeling of infant formula; § 106.60(c)	1	12	12	0.25 (15 minutes)	3
General quality control—testing; § 106.91(b)(1), (2), and (3)	4	1	4	2	8
General quality control; §§ 106.91(b)(1) and(d), and 106.100(e)(5)(i)	4	52	208	0.15 (9 minutes)	31
General quality control; §§ 106.91(b)(2) and (d), and 106.100(e)(5)(i)	4	52	208	0.15 (9 minutes)	31
General quality control; §§ 106.91(b)(3) and (d), and 106.100(e)(5)(i)	4	52	208	0.15 (9 minutes)	31
Audit plans and procedures; ongoing review and updating of audits; § 106.94	5	1	5	8	40
Audit plans and procedures —regular audits; § 106.94	5	52	260	4	1,040
Requirements for quality factors for infant formulas—written study report; §§ 106.96(b) and (d), 106.100(p)(1) and (q)(1), and 106.121	1	1	1	16	16
Requirements for quality factors for infant formulas—anthropometric data; §§ 106.96(b)(2) and (d), and 106.100(p)(1)	112	6	672	0.50 (30 minutes)	336
Requirements for quality factors for infant formulas—formula intake §§ 106.96(b)(3) and (d), and 106.100(p)(1)	112	6	672	0.25 (15 minutes)	168
Requirements for quality factors for infant formulas—data plotting; §§ 106.96(b)(4) and (d), and 106.100(p)(1)	112	6	672	0.08 (5 minutes)	54
Requirements for quality factors for infant formulas—data comparison; §§ 106.96(b)(5) and (d), and 106.100(p)(1)	112	6	672	0.08 (5 minutes)	54
Requirements for quality factors—per data collection; § 106.96(f)	1	1	1	8	8
Requirements for quality factors—per written report; § 106.96(f)	1	1	1	1	1
Records; § 106.100	5	10	50	400	20,000
Records for Exempt Infant Formula; § 107.50(c)(3)	3	10	30	300	9,000
Total					40,232

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Where necessary, numbers have been rounded to the nearest whole number.
[3] This testing only occurs every 4 years.

We estimate that 21 infant formula plants will test at least every 4 years for radiological contaminants. In addition, we estimate that collecting water for all testing in § 106.20(f)(3) takes between 1 and 2 hours. We estimate that water collection takes an average of 1.5 hours and that water collection occurs separately for each type of testing. We estimate that performing the test will take 1.5 hours per test, every 4 years. Therefore, 1.5 hours per plant × 21 plants = 31.5 (rounded to 32) total hours, every 4 years, as seen in row 1 of table 2. Furthermore, §§ 106.20(f)(4) and 106.100(f)(1) require firms to make and retain records of the frequency and results of water testing. For the 21 plants that are estimated not to currently test for radiological contaminants, this burden is estimated to be 5 minutes per record every 4 years. Therefore, 0.08 hour per record × 21 plants = 1.68 (rounded to 2) hours, every 4 years for the maintenance of records of radiological testing, as seen on row 2 of table 2.

We estimate that five infant formula plants will test weekly for bacteriological contaminants. We estimate that performing the test will take 5 minutes per test once a week. Annually, this burden is 0.08 hours × 52 weeks = 4.16 hours per year, per plant, and 4.16 hours per plant × 5 plants = 20.8 (rounded to 21) total annual hours, as seen on row 3 of table 2. Furthermore, for the five plants that are estimated to not currently test weekly for bacteriological contaminants, this burden is estimated to be 5 minutes per record, every week. Therefore, 0.08 hour per record × 52 weeks = 4.16 hours per plant for the maintenance of records of bacteriological testing. Accordingly, 4.16 hours × 5 plants = 20.8 (rounded to 21) annual hours, as seen on row 4 of table 2.

Sections 106.30(d) and 106.100(f)(2) require that records of calibrating certain instruments be made and retained. We estimate that one senior validation engineer for each of the five plants will need to spend about 13 minutes per week to satisfy the ongoing calibration recordkeeping requirements. Therefore, 5 recordkeepers × 52 weeks = 260 records; 260 records × 0.22 hour per record = 57 hours as the annual burden, as presented in row 5 of table 2.

Sections 106.30(e)(3)(iii) and 106.100(f)(3)) require the recordkeeping of the temperatures of each cold storage compartment. We estimate that five plants will each require one senior validation engineer about 13 minutes per week of recordkeeping. Therefore, 5 recordkeepers × 52 weeks = 260 records; 260 records × 0.22 hours per record = 57 hours as the annual burden, as presented in row 6 of table 2.

Sections 106.30(f) and 106.100(f)(4) require the recordkeeping of ongoing sanitation efforts. We estimate that five plants will each require one senior validation engineer about 12 minutes

per week of recordkeeping. Therefore, 5 recordkeepers × 52 weeks = 260 records; 260 records × 0.20 hours per record = 52 hours as the annual burden, as presented in row 7 of table 2.

For §§ 106.35(c) and 106.100(f)(5), we estimate that one senior validation engineer per plant needs 10 hours per week of recordkeeping, with the annual burden for this provision being 520 hours per plant × 5 plants = 2,600 annual hours, as shown in row 8 of table 2. In addition, an infant formula manufacturer revalidates its systems when it makes changes to automatic equipment. We estimate that such changes occur twice a year, and that on each of the two occasions, a team of four senior validation engineers per plant needs to work full time for 4 weeks (4 weeks × 40 hours per week = 160 work hours per person) to provide revalidation of the plant's automated systems sufficient to comply with this section. The annual burden for four senior validation engineers each working 160 hours twice a year is 1,280 hours ((160 hours × 2 revalidations) × 4 engineers = 1,280 total work hours) per plant. Therefore, 640 hours × 5 plants × 2 times per year = 6,400 hours as the annual burden, as shown on row 9 of table 2.

Sections 106.40(d) and 106.100(f)(6) require written specifications for ingredients, containers, and closures. We estimate that one senior validation engineer per plant needs about 10 minutes a week to fulfill the recordkeeping requirements. Therefore, 5 recordkeepers × 52 weeks = 260 records and 260 records × 0.17 hour = 44 hours as the annual burden, as shown in row 10 of table 2.

We estimate that five plants will change a master manufacturing order and that one senior validation engineer for each of the five plants spends about 14 minutes per week on recordkeeping pertaining to the master manufacturing order, as required by §§ 106.50(a)(1) and 106.100(e). Thus, 5 recordkeepers × 52 weeks = 260 records; 260 records × 0.23 hour = 60 hours as the annual burden, as shown in row 11 of table 2.

Sections 106.55(d), 106.100(e)(5)(ii), and 106.100(f)(7)) require recordkeeping of the testing of infant formula for microorganisms. We estimate that five plants each need one senior validation engineer to spend 15 minutes per week on recordkeeping pertaining to microbiological testing. Thus, 5 recordkeepers × 52 weeks = 260 records; 260 records × 0.25 hour per record = 65 hours as the annual burden, as shown in row 12 of table 2.

Section 106.60 establishes requirements for the recordkeeping and labeling of mixed-lot packages of infant formula. Section 106.60(c) requires infant formula distributors to label infant formula packaging (such as packing cases) to facilitate product tracing and to keep specific records of the distribution of these mixed lot cases. We estimate that one worker needs 15 minutes, once a month (0.25 × 12 months) to accomplish this, for an annual burden of 3 hours, as shown in row 13 of table 2.

Sections 106.91(b)(1), (2), and (3) provide ongoing stability testing requirements. We estimate that the stability testing requirements has a burden of 2 hours per plant. Therefore, 2 hours × 4 plants = 8 hours as the annual burden to fulfill the testing requirements, as shown in row 14 of table 2.

Sections 106.91(d) and 106.100(e)(5)(i) provide for recordkeeping of tests required under § 106.91(b)(1), (2), and (3). We estimate that one senior validation engineer per plant will spend about 9 minutes per week of recordkeeping to be in compliance. Thus, 4 recordkeepers × 52 weeks = 208 records; 208 records × 0.15 hour per record = 31.2 (rounded to 31) hours for the annual burden, as shown in rows 15, 16, and 17 of table 2.

We estimate that the ongoing review and updating of audit plans requires a senior validation engineer 8 hours per year, per plant. Therefore, 8 hours × 5 plants = 40 hours for the annual burden, as shown in row 18 of table 2.

We estimate that a manufacturer chooses to audit once per week. We estimate each weekly audit requires a senior validation engineer 4 hours, or 52 weeks × 4 hours = 208 hours per plant. Therefore, burden for updating audit plans is calculated as 208 hours × 5 plants = 1,040 hours for the annual burden, as shown in row 19 of table 2.

We estimate that, as a result of the regulations, the industry as a whole performs one additional growth study per year, in accordance with § 106.96. The regulations require that several pieces of data be collected and maintained for each infant in the growth study. We estimate that the data collection associated with the growth study is assembled into a written report and kept as a record in compliance with §§ 106.96(d) and 106.100(p)(1). Thus, we estimate that one additional growth study report is generated, and that this report requires one senior scientist to work 16 hours to compile the data into a study report. Therefore, one growth study report × 16 hours = 16 hours for the annual burden for compliance with §§ 106.96(b) and (d), 106.100(p)(1) and (q)(1), and 106.121 as shown in row 20 of table 2.

A study conducted according to the requirements of § 106.96(b)(2) must include the collection of anthropometric measurements of physical growth and information on formula intake, and §§ 106.96(d) and 106.100(p)(1) require that the anthropometric measurements be made six times during the growth study. We estimate that in a growth study of 112 infants, 2 nurses or other health professionals with similar experience need 15 minutes per infant at each of the required 6 times to collect and record the required anthropometric measurements. Therefore, 2 nurses × 0.25 hours = 0.50 hour per infant, per visit, and 0.50 hour × 6 visits = 3 hours per infant. For 112 infants in the study, 3 hours × 112 infants = 336 hours for the annual burden, as shown in row 21 of table 2. In addition, we estimate that one nurse needs 15 minutes per infant to collect and record the formula intake information. That is, 0.25 hour × 6 visits = 1.5 hour per infant, and 1.5 hour per infant × 112 infants = 168 hours for the annual burden, as shown in row 22 of table 2.

Section 106.96(b)(4) requires plotting each infant's anthropometric measurements on the Centers for Disease Control and Prevention-recommended World Health Organization Child Growth Standards. We estimate that it takes 5 minutes per infant to record the anthropometric data on the growth chart at each study visit. Therefore, 112 infants × 6 data plots = 672 data plots, and 672 data plots × 0.08 hour per comparison = 53.75 hours (rounded to 54) for the annual burden, as shown in row 23 of table 2.

Section 106.96(b)(5) requires that data on formula intake by the test group be compared to the intake of a concurrent control group. We estimate that one nurse or other health care professional with similar experience needs 5 minutes per infant for each of the six times anthropometric data are collected. Therefore, 6 comparisons of data × 112 infants = 672 data comparisons and 672 data comparisons × 0.08 hour per comparison = 53.75 hours (rounded to 54) for the annual burden, as shown in row 24 of table 2.

Section 106.96(f) provides that a manufacturer meets the quality factor of sufficient biological quality of the protein by establishing the biological quality of the protein in the infant formula when fed as the sole source of nutrition using an appropriate modification of the PER rat bioassay. Under § 106.96(g)(1), a manufacturer of infant formula may be exempt from this requirement if the manufacturer

requests an exemption and provides assurances, as required under § 106.121, that changes made by the manufacturer to an existing infant formula are limited to changing the type of packaging. A manufacturer may also be exempt from this requirement under § 106.100(g)(2), if the manufacturer requests an exemption and provides assurances, as required under § 106.121, that demonstrate to FDA's satisfaction that the change to an existing formula does not affect the bioavailability of the protein. Finally, a manufacturer of infant formula may be exempt from this requirement under § 106.96(g)(3) if the manufacturer requests an exemption and provides assurances, as required under § 106.121(i), that demonstrate that an alternative method to the PER that is based on sound scientific principles is available to show that the formula supports the quality factor for the biological quality of the protein. We estimate that the infant formula industry submits a total of 35 PER submissions: 34 exemption requests and the results of 1 PER study.

A PER study conducted according to the Association of Analytical Communities Official Method 960.48 is 28 days in duration. We estimate that there will be 10 rats in the control and test groups (20 rats total) and that food consumption and body weight will be measured at day 0 and at 7-day intervals during the 28-day study period (a total of 5 records per rat). We further estimate that measuring and recording food consumption and body weight will take 5 minutes per rat. Therefore, 20 rats × 5 records = 100 records; 100 records × 0.08 hour minutes per record = 8 hours to fulfill the requirements of § 106.96(f). Further, we estimate that a report based on the PER study will be generated and that this study report will take a senior scientist 1 hour to generate. Therefore, a total of 9 hours will be required to fulfill the requirements for § 106.96(f): 8 hours for the PER study and data collection, and 1 hour for the development of a report based on the PER study, as shown in rows 25 and 26 of table 2.

We estimate that five firms will expend approximately 20,000 hours per year to fully satisfy the recordkeeping requirements in § 106.100 and that three firms will expend approximately 9,000 hours per year to fully satisfy the recordkeeping requirements in § 107.50(c)(3). Thus, the total recordkeeping burden is 40,232 hours.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Nutrient labeling; 21 CFR 107.10(a) and 107.20	5	13	65	8	520

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We estimate compliance with our labeling requirements in §§ 107.10(a) and 107.20 requires 520 hours annually by five manufacturers.

Dated: April 3, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–07147 Filed 4–6–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2014–N–0075; FDA–2011–N–0015; FDA–2011–N–0076; FDA–2017–N–0932; FDA–2016–N–4487; FDA–2014–N–0345; FDA–2013–N–0523; FDA–2017–N–2428; FDA–2008–N–0312; and FDA–2014–N–1072]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approvals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of information collections that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The following is a list of FDA information collections recently approved by OMB under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). The OMB control number and expiration date of OMB approval for each information collection are shown in table 1. Copies of the supporting statements for the information collections are available on the internet at *https://www.reginfo.gov/public/do/PRAMain.* An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB

Title of collection	OMB Control No.	Date approval expires
Good Laboratory Practice Regulations for Nonclinical Studies	0910–0119	1/31/2021
Orphan Drug Designation Request Form and The Common European Medicines Agency/Food and Drug Administration Form for Orphan Medicinal Product Designation	0910–0167	1/31/2021
Electronic Records: Electronic Signatures	0910–0303	1/31/2021
Experimental Study on Warning Statements for Cigarette Graphic Health Warnings	0910–0848	1/31/2021

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB—Continued

Title of collection	OMB Control No.	Date approval expires
Consumer and Healthcare Professional Identification of and Responses to Deceptive Prescription Drug Promotion	0910–0849	1/31/2021
Data to Support Drug Product Communications	0910–0695	2/28/2021
Applications for FDA Approval to Market a New Drug	0910–0001	3/31/2021
Animal Drug Adverse Event Reporting and Recordkeeping	0910–0284	3/31/2021
Extralabel Drug Use in Animals	0910–0325	3/31/2021
Application for Participation in FDA Fellowship Programs	0910–0780	3/31/2021

Dated: April 3, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–07146 Filed 4–6–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–D–0610]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance for Industry on Postmarketing Adverse Event Reporting for Medical Products and Dietary Supplements During an Influenza Pandemic

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 9, 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 0910–0701. 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.

Guidance for Industry on Postmarketing Adverse Event Reporting for Medical Products and Dietary Supplements During an Influenza Pandemic

OMB Control Number 0910–0701—Extension

This information collection supports the above captioned Agency guidance. The guidance includes recommendations for planning, notification, and documentation for firms that report postmarketing adverse events. The guidance recommends that each firm's pandemic influenza continuity of operations plan (COOP) include instructions for reporting adverse events, including a plan for the submission of stored reports that were not submitted within regulatory timeframes. The guidance explains that firms that are unable to fulfill normal adverse event reporting requirements during an influenza pandemic should: (1) Maintain documentation of the conditions that prevent them from meeting normal reporting requirements; (2) notify the appropriate FDA organizational unit responsible for adverse event reporting compliance when the conditions exist and when the reporting process is restored; and (3) maintain records to identify what reports have been stored.

Based on the number of manufacturers that would be covered by the guidance, we estimate that approximately 5,000 firms will add the following to their COOP: (1) Instructions for reporting adverse events and (2) a plan for submitting stored reports that were not submitted within regulatory timeframes. We estimate that each firm will take approximately 50 hours to prepare the adverse event reporting plan for its COOP.

We estimate that approximately 500 firms will be unable to fulfill normal adverse event reporting requirements because of conditions caused by an influenza pandemic and that these firms will notify the appropriate FDA organizational unit responsible for adverse event reporting compliance when the conditions exist. Although we do not anticipate such pandemic influenza conditions to occur every year, for purposes of the PRA, we estimate that each of these firms will notify FDA approximately once each year and that each notification will take approximately 8 hours to prepare and submit.

Concerning the recommendation in the guidance that firms unable to fulfill normal adverse event reporting requirements maintain documentation of the conditions that prevent them from meeting these requirements and also maintain records to identify what adverse event reports have been stored and when the reporting process is restored, we estimate that approximately 500 firms will each need approximately 8 hours to maintain the documentation and that approximately 500 firms will each need approximately 8 hours to maintain the records.

In the **Federal Register** of October 31, 2017 (82 FR 50431) we published a notice inviting public comment of the proposed collection of information. Although one comment was received, it did not respond to any of the four information collection topics solicited in the notice under the PRA. We therefore made no changes to our estimate of the burden for the information collection, which remains as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Type of reporting	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Notify FDA when normal reporting is not feasible	500	1	500	8	4,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Type of recordkeeping	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Hours per record	Total hours
Add adverse event reporting plan to COOP	5,000	1	5,000	50	250,000
Maintain documentation of influenza pandemic conditions and resultant high absenteeism	500	1	500	8	4,000
Maintain records to identify what reports have been stored and when the reporting process was restored	500	1	500	8	4,000
Total					258,000

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: April 3, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–07154 Filed 4–6–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0672]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Prominent and Conspicuous Mark of Manufacturers on Single-Use Devices

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 9, 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 0910–0577. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *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.

Prominent and Conspicuous Mark of Manufacturers on Single-Use Devices

OMB Control Number 0910–0577—Extension

Section 502 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 352), among other things, establishes requirements that the label or labeling of a medical device must meet so that it is not misbranded and subject to regulatory action. Section 301 of the Medical Device User Fee and Modernization Act of 2002 (Pub. L. 107–250) amended section 502 of the FD&C Act to add section 502(u) to require devices (both new and reprocessed) to bear prominently and conspicuously the name of the manufacturer, a generally recognized abbreviation of such name, or a unique and generally recognized symbol identifying the manufacturer.

Section 2(c) of the Medical Device User Fee Stabilization Act of 2005 (Pub. L. 109–43) amends section 502(u) of the FD&C Act by limiting the provision to reprocessed single-use devices (SUDs) and the manufacturers who reprocess them. Under the amended provision, if the original SUD or an attachment to it prominently and conspicuously bears the name of the manufacturer, then the reprocessor of the SUD is required to identify itself by name, abbreviation, or symbol in a prominent and conspicuous manner on the device or attachment to the device. If the original SUD does not prominently and conspicuously bear the name of the manufacturer, the manufacturer who reprocesses the SUD for reuse may identify itself using a detachable label that is intended to be affixed to the patient record.

The requirements of section 502(u) of the FD&C Act impose a minimal burden on industry. This section of the FD&C Act only requires the manufacturer, packer, or distributor of a device to include their name and address on the labeling of a device. This information is readily available to the establishment and easily supplied. From its registration and premarket submission database, FDA estimates that there are 67 establishments that distribute approximately 427 reprocessed SUDs. Each response is anticipated to take 0.1 hours (6 minutes) resulting in a total burden to industry of 43 hours.

In the **Federal Register** of December 19, 2017 (82 FR 60207), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1] [2]

Type of respondent	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Establishments listing fewer than 10 SUDs	58	2	116	0.1 (6 minutes)	12
Establishments listing 10 or more SUDs	9	34	306	0.1 (6 minutes)	31
Total					43

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Numbers have been rounded.

The burden for this information collection has not changed since the last OMB approval.

Dated: April 3, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–07152 Filed 4–6–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1072]

International Drug Scheduling; Convention on Psychotropic Substances; Single Convention on Narcotic Drugs; Cannabis Plant and Resin; Extracts and Tinctures of Cannabis; Delta-9-Tetrahydrocannabinol; Stereoisomers of Tetrahydrocannabinol; Cannabidiol; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is requesting interested persons to submit comments concerning abuse potential, actual abuse, medical usefulness, trafficking, and impact of scheduling changes on availability for medical use of five drug substances. These comments will be considered in preparing a response from the United States to the World Health Organization (WHO) regarding the abuse liability and diversion of these drugs. WHO will use this information to consider whether to recommend that certain international restrictions be placed on these drugs. This notice requesting comments is required by the Controlled Substances Act (the CSA).

DATES: Submit either electronic or written comments by April 23, 2018.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before April 23, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 23, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery 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–1072 for ''International Drug Scheduling; Convention on Psychotropic Substances; Single Convention on Narcotic Drugs; Cannabis Plant and Resin; Extracts and Tinctures of Cannabis; Delta-9-Tetrahydrocannabinol (THC); Stereoisomers of THC; Cannabidiol; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), 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:

James R. Hunter, Center for Drug Evaluation and Research, Controlled Substance Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 5150, Silver Spring, MD 20993–0002, 301–796–3156, email: *james.hunter@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The United States is a party to the 1971 Convention on Psychotropic Substances (Psychotropic Convention). Article 2 of the Psychotropic Convention provides that if a party to the convention or WHO has information about a substance, which in its opinion may require international control or change in such control, it shall so notify the Secretary-General of the United Nations (the U.N. Secretary-General) and provide the U.N. Secretary-General with information in support of its opinion.

Paragraph (d)(2)(A) of the CSA (21 U.S.C. 811) (Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970) provides that when WHO notifies the United States under Article 2 of the Psychotropic Convention that it has information that may justify adding a drug or other substances to one of the schedules of the Psychotropic Convention, transferring a drug or substance from one schedule to another, or deleting it from the schedules, the Secretary of State must transmit the notice to the Secretary of Health and Human Services (Secretary of HHS). The Secretary of HHS must then publish the notice in the **Federal Register** and provide opportunity for interested persons to submit comments that will be considered by HHS in its preparation of the scientific and medical evaluations of the drug or substance.

II. WHO Notification

The Secretary of HHS received the following notice from WHO (non-relevant text removed):

Ref.: C.L.2.2018

The World Health Organization (WHO) presents its compliments to Member States and Associate Members and has the pleasure of informing that the 40th Expert Committee on Drug Dependence (ECDD) will meet in Geneva from 4 to 8 June 2018. The 40th ECDD will convene in a special session to review cannabis and cannabis-related substances on their potential to cause dependence, abuse and harm to health, and potential therapeutic applications. WHO will make recommendations to the UN Secretary-General on the need for and level of international control of these substances. Recommendations made from the 39th meeting can be found on the ECDD website (*https://www.who.int/mason/entity/medicines/news/2017/letter-DG-39thECDDrecommendations.pdf?ua=1*).

At its 126th session in January 2010, the Executive Board approved the publication ''Guidance on the WHO review of psychoactive substances for international control'' (EB126/2010/REC1, Annex 6) which requires the Secretariat to request relevant information from Ministers of Health in Member States to prepare a report for submission to the ECDD. For this purpose, a questionnaire was designed to gather information on the legitimate use, harmful use, status of national control and potential impact of international control for each substance under evaluation. Member States are invited to collaborate, as in the past, in this process by providing pertinent information as requested in the questionnaire and concerning substances under review.

It would be appreciated if a person from the Ministry of Health could be designated as the focal point responsible for coordinating answers to the questionnaires. A list of focal points designated by Member States for the 39th ECDD in November 2017 is attached. It is requested that if a focal point's contact details including email address are to be added or amended, that Member States inform the Secretariat by 26 February 2018. Any additions or amendments to focal point designations should be emailed to *ecddsecretariat@who.int.*

If no additions or amendments to focal point details are made by this date, the focal point from 2017 will be approached by the Secretariat for questionnaire completion. Where there is a competent National Authority under the International Drug Control Treaties, it is kindly requested that the questionnaires be completed in collaboration with such body.

Once the Secretariat has received the contact details, focal points will be given further instructions and direct access to an online questionnaire. The questionnaires will be analysed by the Secretariat and prepared as a report that will be published on the ECDD website (*https://www.who.int/medicines/access/controlled-substances/ecdd/en/*) prior to the 40th ECDD meeting. The provisional agenda for the meeting will also be made available in advance on the ECDD website.

Member States are also encouraged to provide any additional relevant information (unpublished or published) that is available on these substances to: *ecddsecretariat@who.int.* This information will be an invaluable contribution to the ECDD and all submissions will be treated as confidential.

The WHO takes this opportunity to renew to Member States and Associate Members the assurance of its highest consideration.
GENEVA, 30 January 2018

FDA has verified the website addresses contained in the WHO notice, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time. Access to view the WHO questionnaire can be found at *https://www.who.int/medicines/access/controlled-substances/ecdd/en/.*

III. Substances Under WHO Review

WHO will convene in a special session to review the following substances: Cannabis plant and resin; extracts and tinctures of cannabis; delta-9-tetrahydrocannabinol (THC; stereoisomers of THC; and cannabidiol (CBD).

The Committee from the 37th ECDD requested that Secretariat begin collecting data towards a pre-review of cannabis, cannabis resin, extracts, and tinctures of cannabis at a future meeting. Subsequent to this request, WHO commissioned two updates on the scientific literature for cannabis and cannabis resin, which were prepared and presented to the 38th ECDD. That Committee noted that the current Schedule I under the 1961 Convention groups together cannabis and cannabis resin, extracts, and tinctures of cannabis, that cannabis plant and cannabis resin are also in Schedule IV of the 1961 Convention, that there are natural and synthetic cannabinoids in Schedule I and Schedule II of the 1971 Convention, and that cannabis had never been subject to pre-review or critical review by the ECDD. The Committee also noted an increase in the use of cannabis and its components for medical purposes and the emergence of new cannabis-related pharmaceutical preparations for therapeutic use. From this review, the 38th ECDD Committee recommended that preparations be made to conduct pre-reviews at a future meeting dedicated to the following substances: Cannabis plant and cannabis resin, extracts and tinctures of cannabis, THC, CBD, and stereoisomers of THC. An excerpt from the report of the 38th ECDD stated that the purpose of the pre-review was to determine whether current information justifies an Expert Committee critical review. They noted that the categories of information for evaluating substances in pre-reviews are identical to those used in critical reviews and that the pre-review is a preliminary analysis, and findings should not determine whether the

control status of a substance should be changed.

Cannabis, also known as marijuana, refers to the dried leaves, flowers, stems, and seeds from the *Cannabis sativa* or *Cannabis indica* plant. It is a complex plant substance containing multiple cannabinoids and other compounds, including the psychoactive chemical THC and other structurally similar compounds. Cannabinoids are defined as having activity at cannabinoid 1 and 2 (CB1 and CB2 respectively) receptors. Agonists of CB1 receptors are widely abused and are known to modulate motor coordination, memory processing, pain, and inflammation, and have anxiolytic effects. Marijuana is the most commonly used illicit drug in the United States.

The principal cannabinoids in the cannabis plant include THC, CBD, and cannabinol. FDA has not approved any product containing or derived from botanical marijuana for any indication. These substances are controlled in Schedule I under the CSA. Synthetic THC (dronabinol) is the active ingredient in two approved drug products in the United States, MARINOL capsules (and generics) and SYNDROS oral solution. MARINOL is controlled in Schedule III, while SYNDROS is controlled in Schedule II under the CSA. Both MARINOL and SYNDROS are approved to treat anorexia associated with weight loss in patients with acquired immunodeficiency syndrome (AIDS), and nausea and vomiting associated with cancer chemotherapy in patients who have failed to respond adequately to conventional treatment.

CBD is another cannabinoid identified in cannabis. CBD has been tested in experimental animal and laboratory models of several neurological disorders, including those of seizure and epilepsy. In the United States, CBD-containing products are in human clinical testing in several therapeutic areas, but no such products have marketing approval by FDA for any medical purposes in the United States. CBD is controlled as a Schedule I substance under the CSA. CBD is not specifically listed in the schedules of the 1961, 1971, or 1988 International Drug Control conventions.

At the 39th (2017) meeting of the ECDD, the committee pre-reviewed CBD and recommended that extracts or preparations containing almost exclusively CBD be subject to critical review at the 40th ECDD meeting.

IV. Opportunity To Submit Domestic Information

As required by paragraph (d)(2)(A) of the CSA, FDA, on behalf of HHS, invites interested persons to submit comments regarding the five drug substances. Any comments received will be considered by HHS when it prepares a scientific and medical evaluation of these drug substances, responsive to the WHO Questionnaire request for these drug substances. HHS will forward such evaluation of these drug substances to WHO, for WHO's consideration in deciding whether to recommend international control/decontrol of any of these drug substances. Such control could limit, among other things, the manufacture and distribution (import/export) of these drug substances and could impose certain recordkeeping requirements on them.

Although FDA is, through this notice, requesting comments from interested persons, which will be considered by HHS when it prepares an evaluation of these drug substances, HHS will not now make any recommendations to WHO regarding whether any of these drugs should be subjected to international controls. Instead, HHS will defer such consideration until WHO has made official recommendations to the Commission on Narcotic Drugs, which are expected to be made in mid-2018. Any HHS position regarding international control of these drug substances will be preceded by another **Federal Register** notice soliciting public comments, as required by paragraph (d)(2)(B) of the CSA.

Dated: April 4, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–07225 Filed 4–6–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–1175]

Atopic Dermatitis: Timing of Pediatric Studies During Development of Systemic Drugs; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Atopic Dermatitis: Timing of Pediatric Studies During Development of Systemic Drugs.'' This draft guidance addresses FDA's current thinking about the relevant age groups to study and how early in the drug development pediatric patients should be incorporated during development of systemic drugs for atopic dermatitis (AD).

DATES: Submit either electronic or written comments on the draft guidance by June 8, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–1175 for ''Atopic Dermatitis: Timing of Pediatric Studies During

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

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

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

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

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or Office of Communication, Outreach, and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Dawn Williams, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5168, Silver Spring, MD 20993–0002, 301–796–5376; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Atopic Dermatitis: Timing of Pediatric Studies During Development of Systemic Drugs.'' This draft guidance addresses FDA's current thinking about the relevant age groups to study and how early in the drug development pediatric patients should be incorporated during development of systemic drugs for AD.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on the timing of pediatric studies during development of systemic drugs for atopic dermatitis. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm,* or *https://www.regulations.gov.*

Dated: April 2, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–07150 Filed 4–6–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1414]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Class II Special Controls Guidance Document: Labeling Natural Rubber Latex Condoms

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 (PRA).

DATES: Fax written comments on the collection of information by May 9, 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 0910–0633. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *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.

Class II Special Controls Guidance Document: Labeling for Natural Rubber Latex Condoms—21 CFR 884.5300

OMB Control Number 0910–0633—Extension

Under the Medical Device Amendments of 1976 (Pub. L. 94–295), class II devices were defined as those devices for which there was insufficient information to show that general controls themselves would provide a reasonable assurance of safety and

effectiveness but for which there was sufficient information to establish performance standards to provide such assurance. Accordingly, FDA has established the above captioned Special Controls Guidance Document regarding the labeling of natural rubber latex condoms.

Condoms without spermicidal lubricant containing nonoxynol 9 are classified in class II. They were originally classified before the enactment of provisions of the Safe Medical Devices Act of 1990 (Pub. L. 101–629), which broadened the definition of class II devices and now permits FDA to establish special controls beyond performance standards, including guidance documents, to help provide reasonable assurance of the safety and effectiveness of such devices.

In December 2000, Congress enacted Public Law 106–554, which directed FDA to ''reexamine existing condom labels'' and ''determine whether the labels are medically accurate regarding the overall effectiveness or lack of effectiveness in preventing sexually transmitted diseases. . . .'' In response, FDA recommended labeling intended to provide important information for condom users, including the extent of protection provided by condoms against various types of sexually transmitted diseases.

Respondents to this collection of information are manufacturers and repackagers of male condoms made of natural rubber latex without spermicidal lubricant. FDA expects approximately five new manufacturers or repackagers to enter the market yearly and to collectively have a third-party disclosure burden of 60 hours. The number of respondents cited in table 1 is based on FDA's database of premarket submissions and the electronic registration and listing database. The average burden per disclosure was derived from a study performed for FDA by Eastern Research Group, Inc., an economic consulting firm, to estimate the impact of the 1999 over-the-counter (OTC) human drug labeling requirements final rule (64 FR 13254, March 17, 1999). Because the packaging requirements for condoms are similar to those of many OTC drugs, we believe the burden to design the labeling for OTC drugs is an appropriate proxy for the estimated burden to design condom labeling.

The special controls guidance document also refers to previously approved collections of information found in FDA regulations. The collections of information in 21 CFR part 801 have been approved under OMB control number 0910–0485; the collections of information in 21 CFR part 807, subpart E have been approved under OMB control number 0910–0120; and the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073.

The collection of information under 21 CFR 801.437 does not constitute a ''collection of information'' under the PRA. Rather, it is a ''public disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure to the public'' (5 CFR 1320.3(c)(2)).

In the **Federal Register** of November 9, 2017 (82 FR 52056) FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received in response to the notice.

We therefore retain the currently approved burden estimate for the information collection, which is as follows:

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Class II Special Controls Guidance Document: Labeling for Natural Rubber Latex Condoms Classified Under 21 CFR 884.5300	5	1	5	12	60

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: April 3, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–07153 Filed 4–6–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1011]

Agency Information Collection Activities; Proposed Collection; Comment Request; Petition To Request an Exemption From 100 Percent Identity Testing of Dietary Ingredients: Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on reporting requirements contained in existing FDA regulations governing petitions to request an exemption from 100 percent identity testing of dietary ingredients.

DATES: Submit either electronic or written comments on the collection of information by June 8, 2018.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before June 8, 2018. The *https://www.regulations.gov*

electronic filing system will accept comments until midnight Eastern Time at the end of June 8, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery 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–1011 for ''Petition to Request an Exemption From 100 Percent Identity Testing of Dietary Ingredients: Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements.'' Received comments, those filed in a timely manner (see **ADDRESSES**), 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: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, 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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Petition To Request an Exemption From 100 Percent Identity Testing of Dietary Ingredients: Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements—21 CFR 111.75(a)(1)(ii)

OMB Control Number 0910–0608—Extension

This information collection supports Agency regulations. The Dietary Supplement Health and Education Act (Pub. L. 103–417) added section 402(g) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 342(g)), which provides, in part, that the Secretary of Health and Human Services may, by regulation, prescribe good manufacturing practices for dietary supplements. Section 402(g)(1) of the FD&C Act states that a dietary supplement is adulterated if it has been prepared, packed, or held under the types of conditions that do not meet current good manufacturing practice regulations. Section 701(a) of the FD&C Act (21 U.S.C. 371(a)) gives us the authority to issue regulations for the efficient enforcement of the FD&C Act.

Part 111 (21 CFR part 111) establishes the minimum current good manufacturing practice (CGMP)

necessary for activities related to manufacturing, packaging, labeling, or holding dietary supplements to ensure the quality of the dietary supplement. Section 111.75(a)(1) of our regulations (21 CFR 111.75(a)(1)) establishes a procedure for a petition to request an exemption from 100 percent identity testing of dietary ingredients. Under § 111.75(a)(1)(ii), manufacturers may request an exemption from the requirements set forth in § 111.75(a)(1)(i) when the dietary ingredient is obtained from one or more suppliers identified in the petition. The regulation clarifies that we are willing to consider, on a case-by-case basis, a manufacturer's conclusion, supported by appropriate data and information in the petition submission, that it has developed a system that it would implement as a sound, consistent means of establishing, with no material diminution of assurance compared to the assurance provided by 100 percent identity testing, the identity of the dietary ingredient before use.

Section 111.75(a)(1) reflects our determination that manufacturers that test or examine 100 percent of the incoming dietary ingredients for identity can be assured of the identity of the ingredient. However, we recognize that it may be possible for a manufacturer to demonstrate, through various methods and processes in use over time for its particular operation, that a system of less than 100 percent identity testing would result in no material diminution of assurance of the identity of the dietary ingredient as compared to the assurance provided by 100 percent identity testing. To provide an opportunity for a manufacturer to make such a showing and reduce the frequency of identity testing of components that are dietary ingredients from 100 percent to some lower frequency, we added to § 111.75(a)(1), an exemption from the requirement of 100 percent identity testing when a manufacturer petitions the Agency for such an exemption to 100 percent identity testing under 21 CFR 10.30 and the Agency grants such exemption. Such a procedure would be consistent with our stated goal, as described in the CGMP final rule, of providing flexibility in the CGMP requirements. Section 111.75(a)(1)(ii) sets forth the information a manufacturer is required to submit in such a petition. The regulation also contains a requirement to ensure that the manufacturer keeps our response to a petition submitted under § 111.75(a)(1)(ii) as a record under § 111.95 (21 CFR 111.95). The collection of information in § 111.95 has been approved under OMB control number 0910–0606.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section/activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
111.75(a)(1)(ii); Determining whether specifications are met	1	1	1	8	8

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Since OMB's last approval of the information collection, we have received no petitions. We therefore retain the currently approved estimated burden, which assumes no more than one petition will be submitted annually. We further assume it would take respondents 8 hours to prepare the factual and legal information necessary to support a petition for exemption and to prepare the petition, for a total of 8 burden hours annually. These figures are based on our experience with the information collection.

Dated: April 3, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–07156 Filed 4–6–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–1201]

Pregnant Women: Scientific and Ethical Considerations for Inclusion in Clinical Trials; Draft Guidance; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Pregnant Women: Scientific and Ethical Considerations for Inclusion in Clinical Trials.'' This draft guidance discusses the ethical and scientific issues when considering the inclusion of pregnant women in clinical trials of drugs and biological products. This draft guidance is intended to advance scientific research in pregnant women, and discusses issues that should be considered within the framework of human subject protection regulations.

DATES: Submit either electronic or written comments on the draft guidance by June 8, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you

do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–1201 for ''Pregnant Women: Scientific and Ethical Considerations for Inclusion in Clinical Trials; Draft Guidance; Availability.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

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

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Denise Johnson-Lyles, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6469, Silver Spring, MD 20993, 301–796–6169.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Pregnant Women: Scientific and Ethical Considerations for Inclusion in Clinical Trials.'' Currently, collection of safety data on prescription drugs and biological products used during pregnancy usually occurs after approval, and clinicians and patients must undertake a risk-benefit analysis for the use of such products in pregnant women with limited human safety information. Historically, pregnant women have been an understudied population and there have been barriers to obtaining data from pregnant women in clinical trials, including concerns about protecting women and their fetuses from research-related risks. However, data are needed to inform safe and effective treatment during pregnancy, and in certain situations, it is ethically and scientifically appropriate to collect data in pregnant women in clinical trials conducted during drug development.

This draft guidance discusses the ethical and scientific issues when considering the inclusion of pregnant women in clinical trials of drugs and biological products. This draft guidance is intended to advance scientific research in pregnant women, and discusses issues that should be considered within the framework of human subject protection regulations.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on scientific and ethical considerations for inclusion of pregnant women in clinical trials. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: April 3, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–07151 Filed 4–6–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; NURSE Corps Loan Repayment Program, OMB #0915–0140—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than May 9, 2018.

ADDRESSES: Submit your comments, including the ICR Title, to the desk officer for HRSA, either by email to

OIRA_submission@omb.eop.gov or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: NURSE Corps Loan Repayment Program OMB No. 0915–0140—Revision.

Abstract: The NURSE Corps Loan Repayment Program (NURSE Corps LRP) assists in the recruitment and retention of professional Registered Nurses (RNs), including advanced practice RNs (*i.e.,* nurse practitioners, certified registered nurse anesthetists, certified nurse-midwives, and clinical nurse specialists), dedicated to working at eligible health care facilities with a critical shortage of nurses (*i.e.,* a Critical Shortage Facility) or working as nurse faculty in eligible, accredited schools of nursing, by decreasing the financial barriers associated with pursuing a nursing profession. The NURSE Corps LRP provides loan repayment assistance to these nurses to repay a portion of their qualifying educational loans in exchange for full-time service at a public or private nonprofit Critical Shortage Facility (CSF) or in an eligible, accredited school of nursing.

Need and Proposed Use of the Information: The need and purpose of this information collection is to obtain information for NURSE Corps LRP applicants and participants. HRSA uses this information to consider an applicant for a NURSE Corps LRP contract award and to monitor a participant's compliance with the service requirements. Individuals must submit an application in order to participate in the program. The application asks for personal, professional, educational, and financial information required to determine the applicant's eligibility to participate in the NURSE Corps LRP. The semi-annual employment verification form asks for personal and employment information to determine if a participant is in compliance with the service requirements.

This revision to the clearance package will incorporate two new forms: (1) The CSF Verification Form is used to verify transfers to CSFs not already recorded in the online portal; and (2) the NURSE Corps Nurse Faculty Employment Verification Form asks for personal and employment information to specifically determine if nurse faculty participants are eligible to transfer to another approved accredited school of nursing.

Likely Respondents: Professional RNs or advanced practice RNs who are interested in participating in the NURSE Corps LRP, and official representatives at their service sites.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

Total Estimated Annualized Burden Hours:

The estimates of reporting burden for Applicants are as follows:

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per response	Total burden hours
NURSE Corps LRP Application *	5,500	1	5,500	2.0	11,000
Authorization to Release Employment Information Form **	5,500	1	5,500	0.1	550
Total for Applicants	5,500		11,000		11,550

* The burden hours associated with this instrument account for both new and continuation applications. Additional (uploaded) supporting documentation is included as part of this instrument and reflected in the burden hours.

** The same respondents are completing these instruments.

The estimates of reporting burden for participants are as follows:

Instrument	Number of respondents	Responses/ respondent	Total responses	Hours per response	Total burden hours
Participant Semi-Annual Employment Verification Form	2,300	2	4,600	0.5	2,300
NURSE Corps CSF Verification Form	550	1	550	0.1	55
NURSE Corps Nurse Faculty Employment Verification Form	250	1	250	0.2	50
Total for Participants	3,100	4	5,400	.8	2,405
Total for Applicants and Participants	8,600		16,400		* 13,955

* The 13,955 figure is a combination of burden hours for applicants and participants. This revision adds two forms (the CSF Verification Form and NURSE Corps Nurse Faculty Employment Verification Form). Participants, not applicants, only use these forms. The 13,955 total burden hours represents the net decrease in applicant burden, and the net increase in participant burden.

Dated: April 3, 2018.

Lori Roche,

Acting Deputy Director, Division of the Executive Secretariat.

[FR Doc. 2018–07176 Filed 4–6–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Telehealth Resource Center Performance Measurement Tool, OMB No. 0915–0361, Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR must be received no later than June 8, 2018.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail Lisa Wright-Solomon, HRSA Information Collection Clearance Officer, Room 10–29, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email Lisa Wright-Solomon at *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Telehealth Resource Center Performance Measurement Tool, OMB No. 0915–0361, Revision.

Abstract: To ensure the best use of public funds and to meet the Government Performance Review Act requirements, the Office for the Advancement of Telehealth (OAT) in collaboration with the Telehealth Resource Centers (TRCs) created a set of performance measures that grantees can use to evaluate the technical assistance services provided by the TRCs. Grantee goals are to provide customized telehealth technical assistance across the country. The TRCs provide technical assistance to health care organizations, health care networks and health care providers in the implementation of cost-effective telehealth programs to serve rural and medically underserved areas and populations.

Need and Proposed Use of the Information: In order to evaluate existing programs, data are submitted to OAT through HRSA's Performance Improvement Management System (PIMS). The data are used to measure the effectiveness of the technical assistance. There are two data reporting periods each year; during these biannual reporting periods data are reported for the previous six months of activity. Programs have approximately six weeks to enter their data into the PIMS system during each biannual reporting period.

The instrument was developed with the following four goals in mind:

1. Improving access to needed services,
2. reducing rural practitioner isolation,
3. improving health system productivity and efficiency, and
4. improving patient outcomes.

The TRCs currently report on existing performance data elements using PIMS. The performance measures are designed to assess how the TRC program is meeting its goals to:

1. Expand the availability of telehealth services in underserved communities,
2. Improve the quality, efficiency, and effectiveness of telehealth services, and
3. Promote knowledge exchange and dissemination about efficient and effective telehealth practices and technology.
4. Establish sustainable technical assistance (TA) centers providing quality, unbiased TA for the development and expansion of effective and efficient telehealth services in underserved communities.

Additionally, the PIMS tool allows OAT to:

1. Determine the value added from the TRC Cooperative Agreement;
2. Justify budget requests;
3. Collect uniform, consistent data which enables OAT to monitor programs;
4. Provide guidance to grantees on important indicators to track over time for their own internal program management;
5. Measure performance relative to the mission of OAT/HRSA as well as individual goals and objectives of the program;
6. Identify topics of interest for future special studies; and
7. Identify changes in healthcare needs within rural communities, allowing programs to shift focus in order to meet those needs.

This renewal request proposes changes to existing measures. After compiling data from the previous tool over the last three years, OAT conducted an analysis of the data and compared the findings with the program needs. Based on the findings, the measures are being revised to better capture information necessary to measure the effectiveness of the program. The measure changes include: Additional demographic details from organizations requesting technical assistance, streamlined methods of inquiry, additional topics of technical assistance inquiries aligning with the current telehealth landscape, streamlined types of services provided by the grantees, deletion of client satisfaction survey results, and deletion of telehealth sites developed as a result of grantee technical assistance.

Likely Respondents: The likely respondents will be telehealth associations, telehealth providers, rural health providers, clinicians that deliver services via telehealth, technical assistance providers, research organizations, and academic medical centers.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

Total Estimated Annualized burden hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Telehealth Resource Center Performance Data Collection Tool	14	42	588	0.07	41
Total	14		588		41

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Dated: April 3, 2018.

Lori Roche,

Acting Deputy Director, Division of the Executive Secretariat.

[FR Doc. 2018–07175 Filed 4–6–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Tick-Borne Disease Working Group

AGENCY: Office of HIV/AIDS and Infectious Disease Policy, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) announces the fourth ''on-line'' meeting of the Tick-Borne Disease Working Group (Working Group) on May 10, 2018, from 8:30 a.m. to 6:30 p.m., Eastern Time. For this fourth meeting, the Working Group will focus on the findings and basis for the draft reports from the work of the six Subcommittee Working Groups that were established on December 12, 2017. These subcommittees were established to assist the Working Group with the development of the report to Congress and the HHS Secretary as required by the 21st Century Cures Act. The subcommittees are:

1. Disease Vectors, Surveillance and Prevention (includes epidemiology of tick-borne diseases);
2. Pathogenesis, Transmission, and Treatment;
3. Testing and Diagnostics (including laboratory-based diagnoses and clinical-diagnoses);
4. Access to Care Services and Support to Patients;
5. Vaccine and Therapeutics; and
6. Other Tick-Borne Diseases and Co-infections.

DATES: May 10, 2018, from 8:30 a.m. to 6:30 p.m., Eastern Time.

ADDRESSES: This will be a virtual meeting that is held via webcast. Members of the public may attend the meeting via webcast. Instructions for attending this virtual meeting will be posted one week prior to the meeting at: *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/index.html.*

FOR FURTHER INFORMATION CONTACT: James Berger, Office of HIV/AIDS and Infectious Disease Policy, Office of the Assistant Secretary for Health, Department of Health and Human Services; via email at *tickbornedisease@hhs.gov* or by phone at 202–795–7697.

SUPPLEMENTARY INFORMATION: The Working Group invites public comment on issues related to the Working Group's charge. Comments may be provided over the phone during the meeting or in writing. Persons who wish to provide comments by phone should review directions at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/index.html* before submitting a request via email at *tickbornedisease@hhs.gov* on or before May 3, 2018. Phone comments will be limited to three minutes each to accommodate as many speakers as possible. A total of 60 minutes will be allocated to public comments. If more requests are received than can be accommodated, speakers will be randomly selected. The nature of the comments will not be considered in making this selection. Public comments may also be provided in writing. Individuals who would like to provide written comment should review directions at *https://www.hhs.gov/ash/advisory-committees/tickbornedisease/meetings/index.html* before sending their comments to *tickbornedisease@hhs.gov* on or before May 3, 2018.

Background and Authority: The Tick-Borne Disease Working Group was established on August 10, 2017, in accordance with section 2062 of the *21st Century Cures Act,* and the Federal Advisory Committee Act, 5 U.S.C. App., as amended, to provide expertise and review all HHS efforts related to tick-borne diseases to help ensure interagency coordination and minimize overlap, examine research priorities, and identify and address unmet needs. In addition, the Working Group will report to the Secretary and Congress on their findings and any recommendations for the federal response to tick-borne disease prevention, treatment, and research, and addressing gaps in those areas.

Dated: April 2, 2018.

James Berger,

Office of HIV/AIDS and Infectious Disease Policy, Alternate Designated Federal Officer, Tick-Borne Disease Working Group.

[FR Doc. 2018–07217 Filed 4–6–18; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council for Nursing Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The journals as potential titles to be indexed by the National Library of Medicine and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the journals as potential titles to be indexed by the National Library of Medicine, the disclosure of

which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Nursing Research.

Date: May 15–16, 2018.

Open: May 15, 2018, 12:30 p.m. to 5:00 p.m.

Agenda: Discussion of Program Policies and Issues.

Place: National Institutes of Health, Building 31, 31 Center Drive, C6 Room 6, Bethesda, MD 20892.

Closed: May 16, 2018, 9:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 31 Center Drive, C6 Room 6, Bethesda, MD 20892.

Contact Person: Marguerite Littleton Kearney.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *https://www.National Advisory Council for Nursing Research/National Institute of Nursing Research*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: April 3, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–07117 Filed 4–6–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting of the Center for Inherited Disease Research Access Committee.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Inherited Disease Research Access Committee.

Date: May 4, 2018.

Time: 11:30 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Room 3049, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Barbara J. Thomas, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 5635 Fishers Lane, Ste. 4076, MSC 9306, Bethesda, MD 20892–9306, 301–402–0838, *barbara.thomas@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: April 3, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–07114 Filed 4–6–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Deafness and Other Communication Disorders Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Deafness and Other Communication Disorders Advisory Council.

Date: May 18, 2018.

Closed: 8:30 a.m. to 9:40 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, Conference Room 6, 31 Center Drive, Bethesda, MD 20892.

Open: 9:40 a.m. to 2:00 p.m.

Agenda: Staff reports on divisional, programmatical, and special activities.

Place: National Institutes of Health, Building 31, Conference Room 6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Craig A. Jordan, Ph.D., Director, Division of Extramural Activities, NIDCD, NIH, Room 8345, MSC 9670, 6001 Executive Blvd., Bethesda, MD 20892–9670, 301–496–8693, *jordanc@nidcd.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nidcd.nih.gov/about/Pages/Advisory-Groups-and-Review-Committees.aspx,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: April 3, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–07116 Filed 4–6–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meeting of the National Human Genome Research Institute Special Emphasis Panel.

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 Human Genome Research Institute Special Emphasis Panel; Gabriella Miller Kids First.

Date: May 10, 2018.

Time: 8:30 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Conference Room Susquehanna/Severn, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Barbara J. Thomas, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, National Institutes of Health, 5635 Fishers Lane, Ste. 4076, MSC 9306. Bethesda, MD 20892–9306, 301–402–0838, *barbara.thomas@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: April 3, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–07115 Filed 4–6–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0188]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0081

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: 1625–0081, Alternate Compliance Program; 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 8, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2018–0188] 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–2018–0188], and must be received by June 8, 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: Alternate Compliance Program.

OMB Control Number: 1625–0081.

Summary: This information is used by the Coast Guard to assess vessels participating in the voluntary Alternate Compliance Program (ACP) before issuance of a Certificate of Inspection.

Need: Sections 3306 and 3316 of 46 U.S.C. authorize the Coast Guard to establish vessel inspection regulations and inspection alternatives. Part 8 of 46 CFR contains the Coast Guard regulations for recognizing classification societies and enrollment of U.S.-flag vessels in ACP.

Forms: None.

Respondents: Owners and operators of U.S.-flag inspected vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 154 hours to 174 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. 2018–07157 Filed 4–6–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0189]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0101

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: 1625–0101, Periodic Gauging and Engineering Analyses for Certain Tank Vessels Over 30 Years Old; 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 8, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2018–0189] 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–2018–0189], and must be received by June 8, 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: Periodic Gauging and Engineering Analyses for Certain Tank Vessels Over 30 Years Old.

OMB Control Number: 1625–0101.

Summary: The Oil Pollution Act of 1990 required the issuance of regulations related to the structural integrity of tank vessels, including periodic gauging of the plating thickness of tank vessels over 30 years old. This collection of information is used to verify the structural integrity of older tank vessels.

Need: Title 46 U.S.C. 3703 authorizes the Coast Guard to prescribe regulations related to tank vessels, including design, construction, alteration, repair, and maintenance. Title 46 CFR 31.10–21a prescribes the regulations related to periodic gauging and engineering analyses of certain tank vessels over 30 years old.

Forms: None.

Respondents: Owners and operators of certain tank vessels.

Frequency: Every 5 years.

Hour Burden Estimate: The estimated burden has decreased from 5,278 hours to 2,784 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. 2018–07158 Filed 4–6–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5858–N–09]

Solicitation of Appointment Nominations to the Housing Counseling Federal Advisory Committee

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of solicitation of appointment nominations for the Housing Counseling Federal Advisory Committee.

SUMMARY: The Department of Housing and Urban Development (HUD) established the Housing Counseling Federal Advisory Committee (HCFAC) on April 14, 2015. This notice invites nominations of individuals to fill vacancies for two-year and three-year terms.

DATES: Please submit nominations as soon as possible, but no later than May 9, 2018.

ADDRESSES: Nominations must be in writing and submitted via email to *HCFAC.application@hud.gov.* Individuals that do not have internet access may submit nominations to Office of the Deputy Assistant Secretary for Housing Counseling, U.S. Department of Housing and Urban Development, 451 7th Street SW, Room 9224, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Virginia F. Holman, Housing Specialist, U.S. Department of Housing and Urban Development, Office of Housing Counseling, Office of Outreach and Capacity Building, *Virginia.F.Holman@hud.gov,* telephone number 804–822–4911 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339 (toll-free number). Individuals with questions may also email *HCFAC.application@hud.gov and in the subject line write ''HCFAC application question.''*

SUPPLEMENTARY INFORMATION:

I. Background and Authority

The Housing Counseling Federal Advisory Committee (HCFAC) is congressionally mandated to provide advice to the Office of Housing Counseling (OHC) (Pub. L. 111–203). The HCFAC provides the OHC valuable advice regarding its mission to provide individuals and families with the knowledge they need to obtain, sustain, and improve their housing through a strong national network of HUD-approved housing counseling agencies and HUD-certified counselors. The HCFAC, however, shall have no role in reviewing or awarding of OHC housing counseling grants and procurement contracts. The HCFAC is subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. Appendix), 41 CFR parts 101–6 and 102–3, and Presidential Memorandum ''Final Guidance on Appointments of Lobbyists to Federal Boards and Commissions,'' dated June 18, 2010, along with any relevant guidance published in the **Federal Register** or otherwise issued by the Office of Management and Budget (OMB).[1]

The HCFAC shall consist of not more than 12 individuals appointed by the Secretary. The membership will equally represent the mortgage industry, real estate industry, consumers, and HUD-approved housing counseling agencies. Each member shall be appointed in his or her individual capacity for a term of 3 years and may be reappointed at the discretion of the Secretary. Of the 12 members first appointed to the HCFAC in 2016, 4 were appointed for an initial term of 1 year, 4 were appointed for a term of 2 years, and 4 were appointed for a term of 3 years. The initial 12 appointments were made by the Secretary on June 1, 2016. The one-year appointees' terms expired on May 31, 2017, and the two-year appointees' terms will expire on May 31, 2018.

On June 6, 2017, HUD published a **Federal Register** notice (FR–5858–N–07) soliciting nominations for one expired position and announcing its intention to reappoint 3 members whose terms expired on May 31, 2017. Subsequently, the Secretary has chosen to solicit nominations for those vacancies along with solicitation of nominations to fill the 4 appointments scheduled to expire on May 31, 2018. This is keeping with the intent of Congress to rotate appointments and stagger member terms. Appointees whose terms have expired are eligible to apply to be nominated for the positions announced herein.

Of the 8 new members, two each must represent one of the following 4 categories: mortgage industry, real estate industry, consumers, and HUD-approved housing counseling agencies. Four members will be selected to serve for the remainder of the 3-year term that commenced June 1, 2017 and is set to expire May 31, 2020, and the remaining 4 members will be selected to serve for a 3-year term commencing June 1, 2018 and expiring May 31, 2021.

II. Nominations for the Housing Counseling Federal Advisory Committee

HUD is seeking nominations for individuals whose experience is representative of at least one of the 4 categories—the mortgage industry, real estate industry, consumers, and HUD-approved housing counseling agencies. Nominations may be made by agency officials, members of Congress, the general public, professional organizations, and self-nominations. Nominees must be U.S. citizens and cannot be employees of the U.S. Government. All nominees will be serving in their ''individual capacity'' and not in a ''representative capacity;'' therefore, no Federally-registered lobbyists may serve on the HCFAC.[2] Individual capacity, as clarified by OMB, refers to individuals who are appointed to committees to exercise their own individual best judgment on behalf of the government, such as when they are designated as Special Government Employees as defined in 18 U.S.C. 202.

Nominations to the HCFAC must be submitted via HUD Form 90005 which is available on the Office of Housing Counseling's Federal Advisory Committee web page at: *https://www.hudexchange.info/programs/housing-counseling/federal-advisory-committee/.* Each nominee will be required to provide all the information on HUD Form 90005, as well as the following information:

- Name, title, and organization of the nominee and a narrative description of how the applicant is representative of at least one of the following 4 categories: mortgage industry, real estate industry, consumers, and HUD-approved housing counseling agencies.
- Nominee's mailing address, email address, and telephone number;
- A narrative statement summarizing the nominee's qualifications, unique experiences, skills and knowledge the individual will bring to the HCFAC and reasons why the nominee should be appointed to the HCFAC;
- A statement agreeing to submit to any pre-appointment screenings HUD might require of Special Government Employees, as defined in 18 U.S.C. 202;
- A statement confirming that the nominee is not a registered federal lobbyist; and
- The Nominee's signature and date.

Nominations should be submitted via email to *HCFAC.application@hud.gov.* Individuals that do not have internet access may submit nominations to the Office of the Deputy Assistant Secretary for Housing Counseling, HUD, 451 7th Street SW, Washington, DC 20410. Those who submitted applications previously, and those who have been

[1] *See https://obamawhitehouse.archives.gov/the-press-office/presidential-memorandum-lobbyists-agency-boards-and-commissions* (''Lobbyists on Agency Boards and Commissions''); *see also* 76 FR 61756 (''Final Guidance on Appointments of Lobbyists to Federal Boards and Commissions''), and 79 FR 47482 (''Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions'').

[2] *See* 79 FR 47482 (''Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions'') (clarifying that federally registered lobbyists may not serve on advisory committee, board, or Commission in an ''individual capacity.'')

appointed previously, must reapply if they wish to be considered for a position.

All Nominations must be received no later than May 9, 2018.

HCFAC members will be required to adhere to the conflict of interest rules applicable to Special Government Employees as such employees are defined in 18 U.S.C. 202. The rules include relevant provisions in Title 18 of the U.S. Code related to criminal activity, Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635) and Executive Order 12674 (as modified by Executive Order 12731). Therefore, applicants will be required to submit to pre-appointment screenings relating to identity of interest and financial interests that HUD might require as shown above. If selected, HCFAC members will also be asked to complete form OGE Form 450 (Confidential Financial Disclosure Report).

Members of the HCFAC shall serve without pay but shall receive travel expenses including per diem in lieu of subsistence as authorized by 5 U.S.C. 5703. Regular attendance is essential to the effective operation of the HCFAC.

Please note this Notice is not intended to be the exclusive method by which HUD will solicit nominations and expressions of interest to identify qualified candidates; however, all candidates for membership on the HCFAC will be subject to the same evaluation criteria.

III. Selection and Meetings

After all nominations have been reviewed, HUD will publish a notice in the **Federal Register** announcing the appointment of the HCFAC members. Member selections will be made by the Secretary and will be based on the candidates' qualifications to contribute to the accomplishment of the HCFAC's objectives. HCFAC selection will be made based on factors such as expertise and diversity of viewpoints that are necessary to effectively address the matters before the HCFAC. Membership on the HCFAC is personal to the appointee and HCFAC members serve at the discretion of the Secretary.

The estimated number of in-person meetings anticipated within a fiscal year is two (2) in Washington DC or elsewhere in the United States. Additional meetings may be held as needed to render advice to the Deputy Assistant Secretary for the Office of Housing Counseling. The meetings may use electronic communication technologies for attendance.

All meetings will be announced by notice in the **Federal Register**. Announcements of a meeting may be made, in addition to the **Federal Register** notice, using other methods.

Dated: March 30, 2018.

Dana T. Wade,

General Deputy Assistant, Secretary for Housing.

[FR Doc. 2018–07219 Filed 4–6–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX18RN00FUJA3; OMB Control Number 1028–0048]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Did You Feel It? Earthquake Questionnaire

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Geological Survey (USGS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 9, 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 USGS, Information Collections Clearance Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to *gs-info_collections@usgs.gov.* Please reference OMB Control Number 1028–0048 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact David Wald by email at *wald@usgs.gov,* or by telephone at 303–273–8441. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: We, the USGS, in accordance with the Paperwork Reduction Act of 1995, provide the general public and other Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A Federal Register notice with a 60-day public comment period soliciting comments on this collection of information was published on December 5, 2017 (82 FR 57466). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS 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 may 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 U.S. Geological Survey is required to collect, evaluate, publish and distribute information concerning earthquakes. Respondents have an opportunity to voluntarily supply information concerning the effects of shaking from an earthquake—on themselves, buildings, other man-made structures, and ground effects such as faulting or landslides. Respondents' observations are interpreted in terms of numbers that measure the strength of shaking, and the resulting numbers are displayed on maps that are viewable from USGS earthquake websites. Observations are submitted via the Felt Report questionnaire accessed from the USGS Did You Feel It? Earthquake Questionnaire web pages, and may be submitted via computer or mobile phone. Respondents are asked to provide information on the location to which the report pertains. The locations may, at the respondent's option, be given imprecisely (city-name or postal Zip Code) or precisely (street address, geographic coordinates, or current

location determined by the user's mobile phone). Low resolution maps of shaking based on both precise and imprecise observations are published for all earthquakes for which observations are submitted. For earthquakes felt by many respondents, the observations that are associated with more precise locations are used in the preparation of higher resolution maps of earthquake shaking.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and implementing regulations (43 CFR part 2), and under regulations at 30 CFR 250.197, ''Data and information to be made available to the public or for limited inspection.'' Responses are voluntary. No questions of a ''sensitive'' nature are asked. We will release data collected on these forms only in formats that do not include proprietary information volunteered by respondents.

Title of Collection: Did You Feel It? Earthquake Questionnaire.

OMB Control Number: 1028–0048.

Form Number: NA.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: General public.

Total Estimated Number of Annual Respondents: 200,000.

Total Estimated Number of Annual Responses: 300,000.

Estimated Completion Time per Response: 3 minutes on average.

Total Estimated Number of Annual Burden Hours: 15,000 hours.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion, after each earthquake.

Total Estimated Annual Non-hour Burden Cost: $0.00.

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.*).

Linda K. Pratt,

Geologic Hazards Science Center, Associate Director.

[FR Doc. 2018–07133 Filed 4–6–18; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/ A0A501010.999900 253G; OMB Control Number 1076–0104]

Agency Information Collection Activities; Documented Petitions for Federal Acknowledgment as an Indian Tribe

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Assistant Secretary—Indian Affairs (AS–IA) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 8, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to R. Lee Fleming, Director, Office of Federal Acknowledgment, Assistant Secretary—Indian Affairs, 1849 C Street NW, MS–4071 MIB, Washington, DC 20240; facsimile: (202) 219–3008; email: *Lee.Fleming@bia.gov.* Please reference OMB Control Number 1046–0104 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact R. Lee Fleming, (202) 513–7650.

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 AS–IA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the AS–IA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the AS–IA 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: Submission of this information allows Assistant Secretary—Indian Affairs, Office of Federal Acknowledgment (OFA) to review applications for the Federal acknowledgment of a group as an Indian tribe. The acknowledgment regulations at 25 CFR 83 contain seven criteria that unrecognized groups seeking Federal acknowledgment as Indian tribes must demonstrate that they meet. Information collect from petitioning groups under these regulations provide anthropological, genealogical and historical data used by the AS–IA to establish whether a petitioning group has the characteristics necessary to be acknowledged as having a government-to-government relationship with the United States. Respondents are not required to retain copies of the information submitted to OFA but will probably maintain copies for their own use; therefore, there is no recordkeeping requirement included in this information collection.

Title of Collection: Documented Petitions for Federal Acknowledgment as an Indian Tribe.

OMB Control Number: 1076–0104.

Form Number: BIA–8304, BIA–8305, and BIA–8306.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Groups petitioning for Federal acknowledgment as Indian Tribes.

Total Estimated Number of Annual Respondents: 10 per year, on average.

Total Estimated Number of Annual Responses: 10 per year, on average.

Estimated Completion Time per Response: 2,075 hours, on average.

Total Estimated Number of Annual Burden Hours: 20,750 hours.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Once.

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: March 21, 2018.

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2018–07125 Filed 4–6–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/ A0A501010.999900 253G; OMB Control Number 1076–0018]

Agency Information Collection Activities; Bureau of Indian Education Tribal Colleges and Universities; Application for Grants and Annual Report Form

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Education (BIE) are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before June 8, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Dr. Katherine Campbell, Program Analyst, Office of Research, Policy and Post-Secondary, at 12220 Sunrise Valley Drive, Reston, VA 20191 or by email to *Katherine.Campbell@bie.edu.* Please reference OMB Control Number 1076–0018 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Dr. Katherine Campbell by email at *Katherine.Campbell@bie.edu,* or by telephone at (703) 390–6697.

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 BIE; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIE enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. 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: Each tribally-controlled college or university requesting financial assistance under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (the Act) (25 U.S.C. Sec. 1801 *et seq.*), which provides grants to Tribally Controlled Colleges or Universities for the purpose of ensuring continued and expanded educational opportunities for Indian students. Similarly, each Tribally Controlled College or University that receives financial assistance is required by Sec. 107(c)(1) of the Act and 25 CFR 41 to provide a report on the use of funds received.

Additionally, BIE will be combining information collection OMB 1076–0105 with this collection because both collections are elements of the same grant program. OMB 1076–0105 covered the reporting element of the grant program. Each Tribally-controlled college or university that receives financial assistance under the Act is required by Sec. 107(c)(1) of the Act and 25 CFR 41 to provide a report on the use of funds received.

Title of Collection: Bureau of Indian Education Tribal Colleges and Universities; Application for Grants and Annual Report Form.

OMB Control Number: 1076–0018.

Form Number: Form 22.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Tribal college and university administrators.

Total Estimated Number of Annual Respondents: 28 per year, on average.

Total Estimated Number of Annual Responses: 28 per year, on average.

Estimated Completion Time per Response: 11 hours.

Total Estimated Number of Annual Burden Hours: 308 hours.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: March 21, 2018.

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2018–07123 Filed 4–6–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/ A0A501010.999900 253G; OMB Control Number 1076–0047]

Agency Information Collection Activities; Reindeer in Alaska

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 8, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Mr. Keith Kahklen, Natural Resources Manager, Bureau of Indian Affairs, P.O. Box 21647, Juneau, Alaska 99802–6147; email: *Keith.Kahklen@bia.gov;* facsimile: (907) 586–7120. Please reference OMB Control Number 1076–0047 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about

this ICR, contact: Mr. Keith Kahklen, phone: (907) 586–7618.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Bureau of Indian Affairs (BIA) is seeking renewal of the approval for the information collection conducted under 25 CFR part 243, Reindeer in Alaska, which is used to monitor and regulate the possession and use of Alaskan reindeer by non-Natives in Alaska. The information to be provided includes an applicant's name and address, and where an applicant will keep the reindeer. The applicant must fill out an application for a permit to get a reindeer for any purpose, and is required to report on the status of reindeer annually or when a change occurs, including changes prior to the date of the annual report. This information collection utilizes four forms. A response is required to obtain and/or retain a benefit.

Title of Collection: Reindeer in Alaska.

OMB Control Number: 1076–0047.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Non-Indians who wish to possess Alaskan reindeer.

Total Estimated Number of Annual Respondents: 4 per year, on average (1 respondent for the Sale Permit for Alaska Reindeer, 1 respondent for the Sale Report Form for Alaska Reindeer, 1 respondent for the Special Use Permit for Alaskan Reindeer, and 1 respondent for the Special Use Reindeer Report).

Total Estimated Number of Annual Responses: 4.

Estimated Completion Time per Response: 5 minutes for the Sale Permit and Report forms; and 10 minutes for the Special Use Permit and Report forms, on average.

Total Estimated Number of Annual Burden Hours: 30 minutes.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Once a year, on average.

Total Estimated Annual Nonhour Burden Cost: $2.24.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: March 15, 2018.

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2018–07124 Filed 4–6–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/ A0A501010.999900 253G; OMB Control Number 1076–0180]

Agency Information Collection Activities; Leasing of Osage Reservation Lands for Oil and Gas Mining

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, Bureau of Indian Affairs (BIA) are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before June 8, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to the Robin M. Phillips, Superintendent, Osage Agency, P.O. Box 1539, Pawhuska, OK 74056 or by email to *Robin.Phillips@bia.gov.* Please reference OMB Control Number 1076–0180 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Richard Winlock, Deputy Superintendent by email at *Richard.Winlock@bia.gov,* or by telephone at (918) 287–5700.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Congress passed legislation specifically addressing oil and gas leasing on Osage lands and requiring Secretarial approval of leases. *See* 34

Stat. 543, section 3, as amended. The regulations art 25 CFR 226 implement that statute by specifying what information a lessee must provide related to drilling, development, and production of oil and gas on Osage reservation land. The oil, gas, and land are assets that the United States holds in trust or restricted status for Indian beneficiaries. The information collections in 25 CFR 226 are necessary to ensure that the beneficial owners of the mineral rights are provided the royalties due them, ensure that the oil and gas trust assets are protected, and to ensure that the surface estate assets are protected.

Title of Collection: Leasing of Osage Reservation lands for Oil and Gas Mining.

OMB Control Number: 1076–0180.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Individual Indians, businesses, and Tribal authorities.

Total Estimated Number of Annual Respondents: 965.

Total Estimated Number of Annual Responses: 14,436.

Estimated Completion Time per Response: Varies from 15 minutes to eight hours.

Total Estimated Number of Annual Burden Hours: 21,954.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Varies from yearly to monthly.

Total Estimated Annual Nonhour Burden Cost: $496.

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.

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2018–07121 Filed 4–6–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/ A0A501010.999900 253G; OMB Control Number 1076–0122]

Agency Information Collection Activities; Data Elements for Student Enrollment in Bureau-Funded Schools

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Education (BIE) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 8, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to: Dr. Joe Herrin, Bureau of Indian Education, 1849 C Street NW, MS–3620–MIB, Washington, DC 20240; facsimile: (202) 208–7658; email: *Joe.Herrin@BIE.edu.* Please reference OMB Control Number 1076–0122 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Dr. Joe Herrin, phone: (202) 208–7658.

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 BIE; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIE enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. 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 BIE is requesting renewal of OMB approval for the admission forms for the Student Enrollment Application in Bureau-funded Schools. School registrars collect information on this form to determine the student's eligibility for enrollment in a Bureau-funded school, and if eligible, is shared with appropriate school officials to identify the student's base and supplemental educational and/or residential program needs. The BIE compiles the information into a national database to facilitate budget requests and the allocation of congressionally appropriated funds.

Title of Collection: Data Elements for Student Enrollment in Bureau-funded Schools.

OMB Control Number: 1076–0122.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Contract and Grant schools, and Bureau-funded schools.

Total Estimated Number of Annual Respondents: 47,000 per year, on average.

Total Estimated Number of Annual Responses: 47,000 per year, on average.

Estimated Completion Time per Response: 15 minutes.

Total Estimated Number of Annual Burden Hours: 11,750 hours.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Once per year.

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: April 3, 2018.

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2018–07122 Filed 4–6–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—UHD Alliance, Inc.

Notice is hereby given that, on March 8, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), UHD Alliance, Inc. (''UHD Alliance'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Google, Inc., Mountain View, CA; Teledyne LeCroy, Elgin, IL; and Synaptics, San Jose, CA, have been added as parties to this venture.

Also, HDAnywhere Ltd., Malvern, UNITED KINGDOM; Quantum Data, Inc., Elgin, IL; and Sky UK Ltd., Isleworth, UNITED KINGDOM, have withdrawn as parties to this venture.

In addition, the following members have changed their names: Koninklijke Philips N.V. to Philips International B.V.–IP&S, Eindhoven, NETHERLANDS; and DTS, Inc., to Xperi Corporation, Calabasas, CA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and UHD Alliance intends to file additional written notifications disclosing all changes in membership.

On June 17, 2015, UHD Alliance filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 17, 2015 (80 FR 42537).

The last notification was filed with the Department on December 15, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 12, 2018 (83 FR 6051).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–07129 Filed 4–6–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: United States

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before May 9, 2018. Such persons may also file a written request for a hearing on the application on or before May 9, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been delegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on March 1, 2018, United States Pharmacopeial Convention, 12601 Twinbrook Parkway, Rockville, MD, 20852 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Cathinone	1235	I
Methaqualone	2565	I
Lysergic acid diethylamide	7315	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
4-Methoxyamphetamine	7411	I
Codeine-N-oxide	9053	I
Difenoxin	9168	I
Heroin	9200	I
Morphine-N-oxide	9307	I
Norlevorphanol	9634	I
Methamphetamine	1105	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Glutethimide	2550	II
Phencyclidine	7471	II
Phenylacetone	8501	II
Alphaprodine	9010	II
Anileridine	9020	II
Cocaine	9041	II

Controlled substance	Drug code	Schedule
Dihydrocodeine	9120	II
Diphenoxylate	9170	II
Levomethorphan	9210	II
Levorphanol	9220	II
Meperidine	9230	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Thebaine	9333	II
Noroxymorphone	9668	II
Alfentanil	9737	II
Sufentanil	9740	II

The company plans to import the bulk controlled substances for distribution of analytical reference standards to its customers for research and analytical purposes.

Dated: April 2, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–07167 Filed 4–6–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: AMRI Rensselaer, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before May 9, 2018. Such persons may also file a written request for a hearing on the application on or before May 9, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been delegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on March 21, 2018, AMRI Rensselaer, 33 Riverside Ave., Rensselaer, NY 12144, applied to be registered as an importer of the following basic class of controlled substance:

Controlled substance	Drug code	Schedule
Poppy Straw Concentrate	9670	II

The company plans to import the listed controlled substance to manufacture bulk controlled substance for distribution to its customers.

Dated: April 2, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–07165 Filed 4–6–18; 8:45 am]

BILLING CODE 4410–09–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Arts Advisory Panel Meetings

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given that 2 meetings of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference unless otherwise noted.

DATES: See the **SUPPLEMENTARY INFORMATION** section for individual meeting times and dates. All meetings are Eastern time and ending times are approximate:

ADDRESSES: National Endowment for the Arts, Constitution Center, 400 7th St. SW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Sherry P. Hale, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *hales@arts.gov,* or call 202/682–5696.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of July 5, 2016, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of title 5, United States Code.

The upcoming meetings are:

Literature Fellowships: Translation Projects (review of applications): This meeting will be closed. *Date and time:* May 16, 2018; 3:00 p.m. to 5:00 p.m.

Literature Fellowships: Translation Projects (review of applications): This meeting will be closed. *Date and time:* May 17, 2018; 3:00 p.m. to 5:00 p.m.

Dated: April 4, 2018.

Sherry P. Hale,

Staff Assistant, National Endowment for the Arts.

[FR Doc. 2018–07178 Filed 4–6–18; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Social, Behavioral and Economic Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Social, Behavioral and Economic Sciences (#1171).

Date and Time: May 10, 2018; 9:00 a.m. to 5:00 p.m., May 11, 2018; 8:30 a.m. to 1:30 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Room W2210/W2220, Alexandria, VA 22314.

Type of Meeting: Open.

Contact Person: Dr. Deborah Olster, Office of the Assistant Director, Directorate for Social, Behavioral and Economic Sciences, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone: 703–292–8700.

Summary of Minutes: Posted on SBE advisory committee website at: *https://www.nsf.gov/sbe/advisory.jsp.*

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation on major goals and policies pertaining to Social, Behavioral and Economic Sciences Directorate (SBE) programs and activities.

Agenda

- SBE Directorate Update
- NSF Partnerships
- National Academies of Sciences, Engineering, and Medicine (NASEM) Reproducibility and Replicability in Science Study
- National Center for Sciences and Engineering Statistics (NCSES) Updates
- Implicit Bias Workshop Report
- Strategic Planning/Grand Challenges in the SBE Sciences
- NSF Big Idea Updates
- Report on the Advisory Committee for Environmental Research and Education (AC–ERE) activities
- Meeting with NSF Leadership
- Science of Science Communications
- Future Meetings, Assignments and Concluding Remarks

Dated: April 4, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–07208 Filed 4–6–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings: National Science Board

The National Science Board's Committee on External Engagement (EE), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

TIME AND DATE: Friday, April 13, 2018 at 2:00–3:00 p.m. EDT.

PLACE: This meeting will be held by teleconference at the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314. An audio link will be available for the public. Members of the public must contact the Board Office to request the public audio link by sending an email to *nationalsciencebrd@nsf.gov* at least 24 hours prior to the teleconference.

STATUS: Open.

MATTERS TO BE CONSIDERED: Discuss plans for upcoming National Science Board listening sessions; review committee accomplishments during the past two years; identify future directions and opportunities for the committee during the Board's next term in preparation for the May board meeting.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Nadine Lymn (*nlymn@nsf.gov*), 2415 Eisenhower Avenue, Alexandria, VA 22314.

Meeting information and updates may be found at *https://www.nsf.gov/nsb/meetings/notices.jsp#sunshine.* Please refer to the National Science Board website at *www.nsf.gov/nsb* for general information.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2018–07329 Filed 4–5–18; 4:15 pm]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for International Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for International Science and Engineering—PIRE: Halting Environmental Antimicrobial Resistance Dissemination (HEARD)—Site Visit

Date and Time:

April 30, 2018 9:00 a.m.–9:00 p.m.
May 1, 2018 8:00 a.m.–4:30 p.m.

Place: Virginia Polytechnic Institute and State University, Department of Civil & Environmental Engineering, Blacksburg, VA 24061–0001.

Type of Meeting: Part open.

Contact Person: Cassandra Dudka, PIRE Program Manager, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone 703–292–7250.

Purpose of Meeting: NSF site visit to conduct a review during year 3 of the five-year award period. To conduct an in-depth evaluation of performance, to assess progress towards goals, and to provide recommendations.

Agenda: See attached.

Reason for Closing: Topics to be discussed and evaluated during closed portions of the site review will include information of a proprietary or confidential nature, including technical information; and information on personnel. These matters are exempt under 5 U.S.C.552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 4, 2018.

Crystal Robinson,

Committee Management Officer.

Heard PIRE NSF Site Visit Agenda—Virginia Tech

April 30, 2018

8:00 a.m.–9:00 a.m. Breakfast (on your own)
9:00 a.m.–10:30 a.m. Introductions
PIRE Rationale and Goals
Management/Budgets
10:30 a.m.–10:45 a.m. NSF Executive Session/Break (CLOSED)
10:45 a.m.–12:15 p.m. Research Presentations
Peter Vikesland/Amy Pruden—Virginia Tech
Qi Lin Li—Rice
Diana Aga—U. Buffalo
Krista Wigginton—U. Michigan
12:15 p.m.–12:45 p.m. Poster Session—PIRE students

12:45 p.m.–1:30 p.m. NSF Executive lunch with students
1:30 p.m.–1:45 p.m. NSF Executive Session/Break (CLOSED)
1:45 p.m.–2:30 p.m. Glenda Kelly—External Evaluation of HEARD
2:30 p.m.–3:00 p.m. Representatives from VT Graduate School—Institutional Support
3:00 p.m.–4:00 p.m.
Integrating Research and Education Partnerships
Future Plans
4:00 p.m.–4:15 p.m. NSF Executive Session/Break (CLOSED)
4:15 p.m.–5:00 p.m. Facility Tour—ICTAS II, Kelly Hall laboratories
5:00 p.m.–5:30 p.m. Wrap up
5:30 p.m.–6:30 p.m. NSF Executive Session/Break (CLOSED)
6:30 p.m. Critical Feedback Provided to PI
7:00 p.m.–9:00 p.m. NSF Executive Session/Working Dinner (CLOSED)

May 1, 2018

7:00 a.m.–8:00 a.m. Breakfast (on your own)
8:00 a.m.–10:00 a.m. Summary/Research Team Given Critical Feedback
10:00 a.m.–4:00 p.m. Site Review Team Prepares Site Visit Report (Working Lunch Provided)
4:15 p.m. Presentation of Site Visit Report to Principal Investigator

[FR Doc. 2018–07209 Filed 4–6–18; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0016]

Guidance for Developing Principal Design Criteria for Non-Light Water Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 0 to Regulatory Guide (RG) 1.232, ''Guidance for Developing Principal Design Criteria for Non-Light Water Reactors.'' This new RG provides designers, applicants, and licensees of non-light water nuclear reactors guidance for developing principal design criteria (PDC) for a proposed facility. The PDC establish the necessary design, fabrication, construction, testing, and performance requirements for structures, systems, and components important to safety; that is, structures, systems, and components that provide reasonable assurance that the facility can be operated without undue risk to the health and safety of the public.

DATES: Revision 0 to RG 1.232 is available on April 9, 2018.

ADDRESSES: Please refer Docket ID NRC–2017–0016 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0016. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. Revision 0 to RG 1.232 and the regulatory analysis may be found in ADAMS under Accession Nos. ML17325A611 and ML16330A179 respectively.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Jan Mazza, Office of New Reactors, telephone 301–415–0498, email: *Jan.Mazza@nrc.gov* and Stanley Gardocki, Office of Nuclear Regulatory Research, telephone: 301–415–1067, email: *Stanley.Gardocki@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing a new guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

II. Additional Information

The NRC published a notice of the availability of DG–1330 in the **Federal Register** on February 3, 2017, Volume 82, No. 22, page 9246, for a 60-day public comment period. The public comment period closed on April 4, 2017. DG–1330 and public comments on DG–1330, along with the staff responses to the public comments are available under ADAMS Accession Nos. ML16301A307 and ML17325A616, respectively.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting and Issue Finality

RG 1.232 provides guidance for establishing the PDC for non-light water reactor nuclear power plants. The purpose of RG 1.232 is to provide regulatory guidance to assist the NRC staff and future applicants. RGs are not regulatory requirements. Applications for a construction permit, design certification, combined license, standard design approval, or manufacturing license are required by section 50.34(a)(3) of title 10 of the *Code of Federal Regulations* (10 CFR), 10 CFR 52.47(a)(3)(i), 10 CFR 52.79(a)(4)(i), 10 CFR 52.137(a)(3)(i), and 10 CFR 52.157(a), respectively, to include the PDC for the facility in their applications. The non-light water reactor design criteria in RG 1.232 provides guidance intended to support the development of the PDC.

Issuance of this RG does not constitute backfitting as defined in 10 CFR 50.109 (referred to as the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the ''Implementation'' section of this RG, the NRC has no current intention to impose this guidance on any current licensees.

Dated at Rockville, Maryland, this 4th day of April 2018.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2018–07214 Filed 4–6–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0001]

Sunshine Act Meetings

DATE: Weeks of April 9, 16, 23, 30, May 7, 14, 2018.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of April 9, 2018

Tuesday, April 10, 2018

10:00 a.m. Briefing on the Annual Threat Environment (Closed Ex. 1)

Thursday, April 12, 2018

9:00 a.m. Briefing on Accident Tolerant Fuel (Public), (Contact: Andrew Proffitt: 301–415–1418)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of April 16, 2018—Tentative

There are no meetings scheduled for the week of April 16, 2018.

Week of April 23, 2018—Tentative

Tuesday, April 24, 2018

9:00 a.m. Briefing on Advanced Reactors (Public), (Contact: Lucieann Vechioli: 301–415–6035)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, April 26, 2018

9:00 a.m. Strategic Programmatic Overview of the Fuel Facilities and the Nuclear Materials Users Business Lines (Public Meeting), (Contact: Mahmoud Jardaneh: 301–415–4126 or Soly Soto Lugo: 301–415–7528)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of April 30, 2018—Tentative

There are no meetings scheduled for the week of April 30, 2018.

Week of May 7, 2018—Tentative

Thursday, May 10, 2018

10:00 a.m. Briefing on Security Issues (Closed Ex. 1)

2:00 p.m. Briefing on Security Issues (Closed Ex. 1)

Week of May 14, 2018—Tentative

There are no meetings scheduled for the week of May 14, 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 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or you may email *Patricia.Jimenez@nrc.gov* or *Wendy.Moore@nrc.gov.*

Dated: April 5, 2018.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2018–07372 Filed 4–5–18; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0171]

Evaluating Deviations and Reporting Defects and Noncompliance

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 0 to Regulatory Guide (RG) 1.234, ''Evaluating Deviations and Reporting Defects and Noncompliance Under 10 CFR Part 21.'' This RG describes methods that the staff of the U.S. Nuclear Regulatory Commission (NRC) considers acceptable for complying with the provisions of the regulations.

DATES: Revision 0 to RG 1.234 is available on April 9, 2018.

ADDRESSES: Please refer to Docket ID NRC–2017–0171 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website*: Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0171. Address questions about NRC dockets to Jennifer Borges; telephone: 301–415–3463; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR*: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

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FOR FURTHER INFORMATION CONTACT: Paul Prescott, Office of New Reactors, telephone: 301–415–3026, email: *Paul.Prescott@nrc.gov* and Stephen Burton, Office of Nuclear Regulatory Research, telephone: 301–415–7000, email: *Stephen.Burton@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing a new guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations,

techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

Revision 0 of RG 1.234 was issued with a temporary identification of Draft Regulatory Guide, DG–1291. This RG describes methods that the NRC staff considers acceptable for complying with the provisions of part 21 of title 10 of the Code of Federal Regulations (10 CFR), Reporting of Defects and Noncompliance.

II. Additional Information

The NRC published a notice of the availability of DG–1291 in the **Federal Register** on August 4, 2017 (Volume 82 FR page 36457) for a 60-day public comment period. The public comment period closed on October 3, 2017. Public comments on DG–1291 and the staff responses to the public comments are available under ADAMS under Accession No. ML17338A074.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting and Issue Finality

This RG approves a method for evaluating and reporting defects under 10 CFR part 21. Issuance of this RG would not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and would not otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the ''Implementation'' section of this RG, the NRC has no current intention to impose this guide, if finalized, on holders of current operating licenses or combined licenses.

Dated at Rockville, Maryland, this 3rd day of April, 2018.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2018–07118 Filed 4–6–18; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2018–194]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 10, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2018–194; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 7 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* April 2, 2018; *Filing Authority:* 39 CFR 3015.50; *Public Representative:* Curtis E. Kidd; *Comments Due:* April 10, 2018.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2018–07120 Filed 4–6–18; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2018–195]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 11, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2018–195; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Reseller Expedited Package 2 Negotiated Service Agreement; *Filing Acceptance Date:* April 3, 2018; *Filing Authority:* 39 CFR 3015.50; *Public Representative:* Curtis E. Kidd; *Comments Due:* April 11, 2018.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2018–07200 Filed 4–6–18; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82984; File No. SR–CboeBZX–2018–010]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Adopt BZX Rule 14.11(k) To Permit the Listing and Trading of Managed Portfolio Shares and To List and Trade Shares of the ClearBridge Appreciation ETF, ClearBridge Large Cap ETF, ClearBridge MidCap Growth ETF, ClearBridge Select ETF, and ClearBridge All Cap Value ETF

April 3, 2018.

On February 5, 2018, Cboe BZX Exchange, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt new Rule 14.11(k) to permit it to list and trade Managed Portfolio Shares. The Exchange also proposed to list and trade shares of ClearBridge Appreciation ETF, ClearBridge Large Cap ETF, ClearBridge MidCap Growth ETF, ClearBridge Select ETF, and ClearBridge All Cap Value ETF under proposed Rule 14.11(k). The proposed rule change was published for comment in the **Federal Register** on February 20, 2018.[3] The Commission has received three comment letters on the proposed rule change.[4]

Section 19(b)(2) of the Act [5] 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 after publication of the notice for this proposed rule change is April 6, 2018. The Commission is extending this 45-day time period.

The Commission finds that 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 the proposed rule change and the comment letters. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act, [6] designates May 21, 2018, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File Number SR–CboeBZX–2018–010).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–07112 Filed 4–6–18; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 82705 (February 13, 2018), 83 FR 7256.

[4] *See* letters from: (1) Todd J. Broms, Chief Executive Officer, Broms & Company LLC, dated March 13, 2018; (2) Simon P. Goulet, Co-Founder, Blue Tractor Group, LLC, dated March 19, 2018; and (3) Terence W. Norman, Founder, Blue Tractor Group, LLC, dated March 20, 2018. The comment letters are available at *https://www.sec.gov/comments/sr-cboebzx-2018-010/cboebzx2018010.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82983; File No. SR–OCC–2018–007]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change Related to The Options Clearing Corporation's Trade Acceptance and Novation Rules

April 3, 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 23, 2018, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change by OCC concerns modifications to OCC's By-Laws and Rules to: (1) Clarify the time at which OCC accepts and novates the transactions that it clears; (2) streamline provisions in the By-Laws and Rules related to acceptance, novation and trade reporting; and (3) delete provisions that apply only to certain dormant products that OCC no longer clears and settles or that are no longer applicable to OCC's current clearing processes.

The proposed amendments to OCC's By-Laws and Rules can be found in Exhibits 5A and 5B to the filing, respectively. Material proposed to be added to OCC's By-Laws and Rules as currently in effect is marked by underlining and material proposed to be deleted is marked with strikethrough text. Because proposed Rules 403 through 406 in Chapter IV are new and are based on provisions relocated from Article VI of OCC's By-Laws, underlining and strikethrough text have been omitted with respect to those rules in order to enhance their readability.

All terms with initial capitalization that are not otherwise defined herein have the same meaning as set forth in the By-Laws and Rules.[3]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

The purpose of this proposed rule change is to amend OCC's By-Laws and Rules to: (1) Clarify the time at which OCC accepts and novates[4] the transactions that it clears; (2) streamline provisions in the By-Laws and Rules related to trade reporting and novation; and (3) delete provisions that apply only to certain dormant products that OCC no longer clears and settles or that are no longer applicable to OCC's current clearing processes.

Background

Acceptance and Novation Timing

Specifying a clear time at which OCC accepts transactions for clearance and settlement is important to Clearing Members because that is the time under OCC's By-Laws and Rules at which the following events occur: (1) OCC is substituted through novation as the central counterparty (''CCP'') to each Clearing Member that was an initial party to the transaction; (2) the rights of the initial Clearing Member parties to the transaction become solely as against OCC; and (3) OCC becomes obligated to each Clearing Member in accordance with the By-Laws and Rules.[5] Acceptance of transactions is important to Clearing Members because, among other things, settlement obligations associated with transactions that OCC accepts and novates are generally guaranteed by OCC based upon certain financial safeguards it maintains as a CCP consistent with its responsibilities under the Act and relevant regulations thereunder.[6]

Current Acceptance and Novation of Confirmed Trades

Under OCC's current By-Laws and Rules, a user must parse through a number of definitions and provisions in various locations to identify that time at which acceptance and novation occur. The term Confirmed Trade is defined in OCC's By-Laws to include all of the products for which OCC currently provides clearance and settlement services, with the exception of certain Stock Loan[7] transactions. Under OCC's current By-Laws, a Confirmed Trade[8] is novated upon OCC's acceptance, but acceptance is not deemed to occur until a designated Commencement Time. Commencement Time is defined differently for different products that meet the definition of a Confirmed Trade, but Article VI, Section 5 of the By-Laws (regarding OCC's obligations) generally defines it as the time at which OCC makes available to Clearing Members a Daily Position Report reflecting the Confirmed Trade.[9] Pursuant to Article VI, Section 7 of the By-Laws (regarding the reporting of Confirmed Trades) this acceptance is subject to the condition that the Exchange or OTC Trade Source on which the transaction occurred has reported to OCC, during such times as OCC has prescribed, certain information regarding the Confirmed Trade and that such information passes OCC's initial validation checks.

Under Article VI, Section 8 of the By-Laws, OCC generally has no right (other than regarding certain types of Confirmed Trades discussed below) to reject a Confirmed Trade due to the failure of the Purchasing Clearing Member to pay any amount due to OCC at or before the settlement time. This means that transactions in most products that are Confirmed Trades will inevitably be accepted for clearing and novated at the Commencement Time simply due to the passage of time.[10] Therefore, most Confirmed Trades are functionally novated under the current By-Laws and Rules upon proper submission to OCC for clearing.

Different Commencement Times and Rejection Rights for Certain Confirmed Trades

Certain categories of Confirmed Trades, however, are not subject to the general Commencement Time described above, and OCC retains certain rights to reject such transactions. Specifically, Article VI, Section 5 of the By-Laws excludes the products described below from the general Commencement Time and alternate definitions of Commencement Time are set forth as follows:

[3] OCC's By-Laws and Rules can be found on OCC's public website: *http://optionsclearing.com/about/publications/bylaws.jsp.*

[4] In this context, novation is the process through which OCC is substituted as the buyer to the seller and the seller to the buyer for each cleared contact.

[5] *See, e.g.,* Article VI, Section 5 of the By-Laws.

[6] *See generally* 15 U.S.C. 78q–1; 17 CFR 240.17Ad–22.

[7] *See* Article I, Section 1.S.(21) of the By-Laws. The term Stock Loan may refer to either a Hedge Loan that is part of OCC's Stock Loan/Hedge Program or a Market Loan that is part of OCC's Market Loan Program. Matters regarding the acceptance and novation of these products is addressed separately below.

[8] Under OCC's By-Laws, a Confirmed Trade is defined as ''a transaction for the purchase, writing, or sale of a cleared contract, or for the closing out of a long or short position in a cleared contract, that is (i) effected on or through the facilities of an Exchange and submitted to the Corporation for clearance or (ii) affirmed through the facilities of an OTC Trade Source and submitted to the Corporation for clearance.''

[9] This typically occurs at the end of each business day.

[10] An Exchange or OTC Trade Source, however, may instruct OCC to disregard a transaction that it previously reported as a Confirmed Trade ''because of a subsequent determination that (i) the trade information submitted by the Purchasing Clearing Member and Selling Clearing Member did not agree, (ii) the trade information did not contain all the information required by the Corporation as set forth in the By-Laws and Rules, or (iii) new or revised trade information was required to properly clear the transaction.'' *See* Article VI, Section 7 of the OCC By-Laws. This authority would be preserved and relocated into OCC's Rules in connection with the proposed changes described herein.

(1) Futures issued in exchange-for-physical transactions,[11] block trades,[12] or other trades designated as non-competitively executed—the time after the transaction is reported to OCC that OCC receives the first variation settlement payment; [13]

(2) Cross-rate FX options and FX index options—the time that is three hours following the settlement time of the Confirmed Trade in which such contract was purchased; [14] and

(3) OTC Options (other than Backloaded OTC Options)—the time when a report of OCC's acceptance is made available to Clearing Members through OCC's clearing system.[15]

For Backloaded OTC Options, the transaction is not accepted until the Selling Clearing Member has met its regular morning settlement obligation on the business day following the reporting of the trade to OCC.[16]

In addition to the separate Commencement Times for these types of Confirmed Trades, OCC also currently has certain authority to reject such trades due to the failure of the Purchasing Clearing Member to pay an amount due to OCC at or before the applicable settlement time.[17] In contrast to most other types of Confirmed Trades, this means that OCC continues to have authority to reject these transactions even after they are properly submitted for clearing. OCC's authority to reject these types of Confirmed Trades arises under the following circumstances:

(1) Futures issued in exchange-for-physical transactions, block trades, or other trades designated as non-competitively executed—in the event OCC fails to receive any variation payment due in the accounts of the Clearing Members;[18]

(2) Cross-rate FX options and FX index options—in the event OCC fails to receive from the Purchasing Clearing Member premiums denominated in the proper trading currency in the account in which the transaction is effected; [19] and

(3) Backloaded OTC Options—in the event the Selling Clearing Member does not meet its regular morning settlement obligation on the business day following the reporting of the trade to OCC.[20]

Proposed Changes to Acceptance and Novation Rules

Proposed Uniform Acceptance and Novation Timing for Nearly All Confirmed Trades

To provide greater certainty and clarity to Clearing Members and other interested parties regarding the acceptance and novation timing for transactions that OCC clears and settles, OCC is proposing to amend the substance of Article VI, Section 5 of the By-Laws [21] to set forth a uniform acceptance and novation time for nearly all Confirmed Trades. As described in more detail below, OCC would retain exceptions from the uniform acceptance and novation time for Confirmed Trades in Backloaded OTC Options and Confirmed Trades in futures issued in exchange-for-physical transactions, block trades, or other trades designated as non-competitively executed.

To accomplish this, OCC proposes to eliminate the concept of Commencement Time and instead deem nearly all Confirmed Trades to be accepted and simultaneously novated when they are reported to OCC and the related position information has been recorded in OCC's clearing system (which occurs on a real-time basis).[22] This would, however, be subject to the condition that the required transaction information reported to OCC by the Exchange or OTC Trade Source first passes OCC's validation procedures [23] and is provided to OCC at such time as OCC prescribes. OCC believes this change provides a more clear indication of the point after which OCC does not have authority to reject such transactions for clearing.[24] Eliminating the concept of Commencement Time also necessitates the deletion of the term from the defined terms that appear in Article I, Section 1 of the By-Laws and replacing all references to Commencement Time with references to the time at which OCC accepts a transaction for clearing. This change requires amendments to OCC's By-Laws, specifically, amendments to the Article I definition of ''American; American-style,'' Article VI, Sections 5 and 6,[25] Section 12 of Article VI, and Section 7 of Article XII.

As part of this proposed rule change, OCC also proposes to clarify the trade information required to be submitted by the participant Exchange to OCC as a condition to acceptance and novation. For options transactions, Rule 401(a)(1)(i) would provide that these terms include: (a) The identity of the Purchasing Clearing Member and Writing Clearing Member to the transaction; (b) the clearing date; (c) the transaction time; (d) the trade source; (e) the trade quantity; (f) the trade price; (g) the security type; (h) the ticker symbol; (i) the series/contract date; (j) whether the trade is a put or a call; (k) the strike price; (l) whether the trade is a purchase or a sale; (m) the account type; (n) the allocation indicator, if applicable; (o) the CMTA indicator, if applicable; (p) the Give-Up Clearing Member, if applicable; (q) the trade type, including, in the case of futures options, whether the transaction is a block trade, exchange-for-physical, or any other trade designated by the futures market or security futures market reporting the trade as a non-competitively executed trade; (r) in the case of OTC options transactions in a securities customers' account, a unique customer ID for the customer for whom the trade was executed; and (s) in the case of OTC options, such other variable terms as provided in Section 6 of Article XVII of the By-Laws. In addition to the foregoing information that is required as a condition to OCC's acceptance of the confirmed trade, Rule 401(a)(1)(ii) would provide that OCC may also request certain optional trade

[11] An exchange-for-physical transaction (or ''EFP'') is a transaction between two parties in which a futures contract on a commodity or security is exchanged for the actual physical good.

[12] A block trade is a trade involving a large number of shares being traded at an arranged price between parties, outside of the open markets, in order to lessen the impact of such a large trade being made public.

[13] *See* Article XII, Section 7 of the OCC By-Laws.

[14] *See* Articles XX, Section 1 and XXIII, Section 1 of the OCC By-Laws.

[15] *See* Article VI, Section 5 of the OCC By-Laws.

[16] *Id.*

[17] *See generally* Article VI, Section 8 of the OCC By-Laws identifying these exceptions.

[18] *See* Article XII, Section 7 of the By-Laws.

[19] *See* Article XX, Section 5, Article XXIII, Section 7 of the By-Laws.

[20] *See* Article VI, Section 8 of the By-Laws. In addition, OCC will not accept a Backloaded OTC Option for clearing if OCC receives it from the OTC Trade Source after 4 p.m. Central on the business day that is four business days prior to its expiration.

[21] As described below under the heading *Reorganization,* OCC also proposes to relocate the provisions currently in Article VI, Section 5 of the By-Laws to Rules 401 and 404.

[22] OCC notes that upon acceptance and recording of position information in OCC's ENCORE clearing system, Clearing Members have the ability to see the trades they are responsible for via position information screens in the ENCORE system and through real-time messaging.

[23] All inbound trades to OCC are subject to coded validation of the required fields for trades. These fields contain the critical details of the trade. These details include, but are not limited to, the trade source, symbol, expiration, strike, call or put, quantity, price, and Clearing Member details of both sides of the trade.

[24] As described above, an Exchange or OTC Trade Source would continue to have the authority to instruct OCC to disregard a Confirmed Trade. *See supra* 10.

[25] As described in more detail below, OCC proposes to relocate Article VI, Sections 5 and 6 to Rules 401, 404 and 405 to help streamline and reorganize provisions addressing trade reporting and novation.

information that is not required as a condition for acceptance.[26]

For futures transactions, Rule 401(a)(2)(i) would provide that the required terms for acceptance and novation include: (a) The identity of the Purchasing Clearing Member and the Selling Clearing Member to the transaction; (b) the clearing date; (c) the transaction time; (d) the trade source; (e) the trade quantity; (f) the trade price; (g) the security type; (h) the ticker symbol; (i) the series/contract date; (j) whether the trade is a purchase or a sale; (k) the account type; (l) the allocation indicator, if applicable; (m) the CMTA indicator, if applicable; (n) the Give-Up Clearing Member, if applicable; and (o) whether the trade is an exchange-for-physical or block trade or any other trade designated by the futures market or security futures market reporting the trade as a non-competitively executed trade. In addition to the foregoing information that is required as a condition to OCC's acceptance of the confirmed trade, Rule 401(a)(2)(ii) would provide that OCC may also request certain optional trade information that is not required as a condition for acceptance.

Reasons the Uniform Acceptance and Novation Timing for Nearly All Confirmed Trades is Appropriate

OCC believes that using a uniform approach for nearly all Confirmed Trades regarding acceptance and novation and reducing the complexity of related provisions would provide significantly greater clarity and transparency in OCC's legal framework for Clearing Members and other interested parties concerning the point at which OCC does not have authority to reject a transaction after it has been properly submitted to and validated by OCC. As described above, amending OCC's By-Laws and Rules to provide that nearly all Confirmed Trades are accepted and novated upon proper submission functionally would not change the time at which OCC becomes obligated regarding such Confirmed Trades because, upon proper submission, OCC has no right today to reject such transactions due to the failure of a Purchasing Clearing Member to pay any amount due to OCC at or before the settlement time. OCC generally does not collect margin with respect to such Confirmed Trades until 9:00 a.m. Central the following business day,[27] and therefore OCC already faces this same credit risk between the acceptance of the Confirmed Trades and the time that it collects margin from Clearing Members. Accordingly, OCC believes that moving the novation time from the general Commencement Time to earlier in the day as described above—at the point of acceptance—would not alter the credit risk OCC faces with respect to such Confirmed Trades. In addition, OCC would continue to have the same authority that it does today to address any credit risk as necessary through intra-day margin collection.[28]

OTC Options that are not Backloaded OTC Options are not currently subject to the general Commencement Time; however, OCC believes that applying the uniform acceptance and novation time to those transactions is appropriate. This is because under the current approach, acceptance and the Commencement Time both occur when a report is made available to Clearing Members within OCC's clearing system, and therefore this approach is already consistent with the proposed approach described herein. In practice, OCC automatically makes a report available to Clearing Members in its clearing system regarding an OTC Option provided that it is properly reported to OCC, the contract passes OCC's validation process, and the contract is not rejected. All of this is generally completed immediately upon submission and therefore OCC does not believe there is any operational, risk management, or other reason for excluding OTC Options that are not Backloaded OTC Options from the proposed uniform acceptance and novation timing.[29]

Proposed Exceptions to the Uniform Acceptance and Novation Timing

For other categories of Confirmed Trades that are not subject to the general definition of Commencement Time, OCC proposes to preserve the existing structure under which OCC has authority to reject the transactions even after they are properly submitted for clearing. An exception to the uniform acceptance and novation timing would be made for Confirmed Trades in futures issued in exchange-for-physical transactions, block trades, or other trades designated as non-competitively executed. OCC believes that delayed novation is still appropriate for such non-competitively executed transactions because there is a heightened risk that non-competitive execution may cause them to be effected at off-market prices, which could lead to significant losses if a Clearing Member defaults on the related settlement obligations.[30]

As proposed, an exception to the uniform acceptance and novation timing would also be made for Confirmed Trades that are Backloaded OTC Options, which are defined as OTC Options for which the premium payment date is prior to the business day on which the transaction is submitted to OCC for clearing.[31] OCC believes an exception for Backloaded OTC Options remains necessary because of their ''backloaded'' nature, which means that the premium payment has already been made. In addition, Backloaded OTC Options are subject to being non-competitively executed and therefore present the same heightened settlement default risk that is discussed above regarding other non-competitively executed transactions. However, in contrast to those other types of non-competitively executed transactions, OCC is not able to immediately validate a Backloaded OTC Options transaction or check its price reasonability upon submission. Therefore, OCC believes it remains appropriate to delay acceptance and novation for these contracts until the selling Clearing Member has met its regular morning settlement obligations on the business day following trade reporting.

Provisional Information Regarding Confirmed Trades

OCC proposes that its acceptance and novation time would no longer be tied to publication of a Daily Position Report as OCC's acceptance of a Confirmed Trade would instead be reflected in the position information that OCC makes available to Clearing Members

[26] OCC makes available to its participant Exchanges and Clearing Members the complete list of required and optional trade information in an inbound reference guide for Exchange trades.

[27] *See* Article I, Section 1.S.(16) of the By-Laws (defining the term ''settlement time'' in respect of a Clearing Member's obligation to pay amounts owed to OCC).

[28] *See* OCC Rule 609 (addressing OCC's authority to require intra-day margin).

[29] *See* Securities Exchange Act Release No. 68434 (December 14, 2012), 77 FR 75243 (December 19, 2012) (SR–OCC–2012–14 and AN–OCC–2012–01) (discussing the trade submission mechanics for OTC Options).

[30] OCC also proposes to add new Interpretation and Policy .05 to provide that OCC will not treat an EFP or block trade as a noncompetitively executed trade subject to Article XII, Section 7 of the By-Laws if the Exchange on which such trade is executed has made representations satisfactory to OCC that the Exchange has rules, policies or procedures that require each EFP and block trade that is submitted to OCC to be executed at a reasonable price and that such price is validated by the Exchange. This new Interpretation and Policy to Rule 401 would reiterate current Interpretation and Policy .04 to Article XII, Section 7 of the By-Laws to provide additional clarity in the Rules around the acceptance and novation time for competitively executed EFPs and block trades.

[31] *See* Article I, Section 1.B.(1) of the OCC By-Laws.

throughout the business day. OCC therefore proposes to amend Interpretation and Policy .01 to Rule 501 to: (1) Clarify that OCC makes updated position data reflecting accepted and novated trades available to its Clearing Members throughout the day; and (2) remove from that provision a statement that Clearing Members must rely on the Daily Position Report for definitive information regarding their positions.

Hedge Loans and Market Loans

In addition to its clearance and settlement of Confirmed Trades, OCC also acts as a CCP for certain stock lending transactions that are part of its Stock Loan/Hedge Program and Market Loan Program. OCC proposes to amend its Stock Loan/Hedge Program and Market Loan Program Rules to better describe OCC's process for accepting Hedge Loans and Market Loans and to appropriately harmonize certain provisions governing each type of Stock Loan.[32]

Hedge Loans are initiated as stock lending transactions that are negotiated and settled between Clearing Members at The Depository Trust Company (''Depository'') before they are reported to OCC. Rule 2202(b) provides that OCC must generally accept these stock lending transactions upon receipt of a report from the Depository that shows a completed transaction.[33] However, OCC *may* reject a transaction if it determines that it is: (1) Not in accordance with OCC's By-Laws or Rules; (2) one or both account numbers specified are invalid for Hedge Loans; or (3) the information provided by the Depository contains errors or omissions. Moreover, Rule 2202(b) provides that if OCC does not affirmatively reject a reported transaction by such a time as OCC is authorized to specify from time to time then the transaction is deemed accepted as a Hedge Loan. Upon acceptance, OCC becomes the lender to the Borrowing Clearing Member and the borrower to the Lending Clearing Member. Although OCC has discretion during each business day to make provisional information available to Clearing Members regarding their lending and borrowing activity, only the Stock Loan Mark to Market Activity Report is recognized as providing definitive Hedge Loan positions.[34]

OCC proposes to amend Rule 2202(b) to clarify that OCC receives and accepts completed transaction information from the Depository throughout the day and would delete the statement that a transaction is deemed accepted by a particular cut off time if OCC does not affirmatively notify Clearing Members of a rejection. Rule 2202(b) would instead state that OCC generally accepts completed transactions reported to it unless: (1) OCC is otherwise required to reject a transaction because it is not in accordance with the By-Laws or Rules; (2) one or both account numbers specified are invalid; or (3) the information provided contains unresolved errors or omissions. OCC believes these changes would help clarify the time at which Hedge Loans are accepted and the specific circumstances in which Hedge Loans will be rejected. As described below, the change would also ensure consistency between parallel provisions in the Stock Loan/Hedge Program and Market Loan Program regarding the initiation process that OCC believes should apply equally. Finally, a reference to the Stock Loan Market to Market Activity Report being the only definitive statement of positions would be deleted because Hedge Loan positions would be definitive upon acceptance in OCC's clearing system.

In connection with the Market Loan Program initiation process, the Depository also sends information to OCC regarding completed stock lending transactions. Rule 2202A(b) provides that upon OCC's receipt of an end of day stock loan activity file from the Depository OCC must accept the transactions as Market Loans unless it is required to reject them for the same reasons described above concerning Hedge Loans. The Rule further provides that, upon OCC's affirmative acceptance, OCC becomes the lender to the Borrowing Clearing Member and the borrower to the Lending Clearing Member.

As with the proposed changes to the Stock Loan Hedge Program, OCC proposes to clarify that OCC receives and accepts completed transaction information from the Depository throughout the day. OCC also proposes to delete a reference to affirmative acceptance in Rule 2202A(b) because the other proposed changes would clarify that acceptance will generally take place automatically unless OCC is specifically required to reject transactions due to the deficiencies described above. A conforming change would also be made in this regard in Rule 2202A(c). References to the definitive nature of the Stock Loan Mark to Market Activity Report would be deleted for the same reasons described above regarding Hedge Loans.

Streamlining and Reorganization

As part of its continued efforts to streamline its By-Laws and Rules, OCC proposes to relocate certain provisions from Article VI, Sections 4 through 8 of the By-Laws to Chapter IV of the Rules. This would promote a centralized location for provisions that address trade reporting and novation. OCC also proposes to consolidate certain provisions in Chapter IV of the Rules to eliminate redundancy. These proposed organizational changes are summarized below.

Article VI, Section 4 of OCC's By-Laws regarding a Purchasing Clearing Member's obligations with respect to a Confirmed Trade would be relocated, without amendment, to a new Rule 403. Article VI, Section 5 of the By-Laws regarding OCC's obligations with respect to a Confirmed Trade would be amended, as described above, and incorporated into existing Rule 401 and new Rule 404. Article VI, Section 6 of the By-Laws regarding the issuance of cleared contracts would be amended as described above and relocated to a new Rule 405. Article VI, Section 7 of the By-Laws regarding the reporting of confirmed trades would be relocated and incorporated into Rule 401. More specifically, Article VI, Section 7(b) of the By-Laws would become Rule 401(e), Section 7(c) would become Rule 401(f), and Interpretation and Policy .01 to Section 7 would become Interpretation and Policy .03 to Rule 401. Article VI, Section 8 of the By-Laws regarding payments made to OCC would be amended as described above and relocated to new Rule 406. To accommodate these new rules in Chapter IV, current Rule 403 would be renumbered as 407, and current Rule 405 would be renumbered as Rule 408. Cross-references would also be updated to reflect this renumbering throughout Chapter IV of the Rules, as well as in Article I, Section 1.G.(3) and (4), Article VI, Section 2, and Article XVII, Sections 2(a) and 2(c)(1) of the By-Laws, and Rules 504(e), 504(g), and 611(a).

Additionally, OCC proposes to delete existing Rule 404 regarding the reporting of confirmed trades in OTC Options and to incorporate its substance into Rule 401 in order create a more centralized trade reporting rule. This incorporation of Rule 404 into Rule 401 would require the addition of references to OTC Trade Sources in Rule 401(a) and (b), and the merger of language from Rule 404(b) into Rule 401(b) and from Rule 404(c) into Rule 401(d).

[32] *See* OCC Rules 2202(b); 2202A(b), (c).

[33] OCC is not obligated to accept the stock lending transactions of a Clearing Member that has been suspended by the Depository. *See* OCC Rule 2210(a). The same condition applies regarding Market Loans. *See* OCC Rule 2210A(a).

[34] *See* Rule 2202, Interpretation and Policy .01.

Elimination of Dormant Products and Rules

OCC proposes to delete certain provisions from its By-Laws and Rules that only apply to cross-rate foreign currency options and flexibly-structured index options denominated in a foreign currency because OCC no longer clears and settles such products. These products, when they were still actively cleared and settled, were subject to delayed novation, so OCC believes eliminating the rules governing these products at this time would reduce confusion related to the adoption of the proposed changes described herein concerning trade acceptance and novation timing. Consequently, OCC proposes to delete Articles XX and XXIII of its By-Laws and Chapters XXI and XXIV of its Rules, which govern each of those products, respectively. Additionally, OCC proposes to eliminate all other references to such products throughout its By-Laws and Rules, including in Section 1(d) of Article V, and Interpretation and Policy .03 to Section 1 of Article V of the By-Laws and Rules 607, 1107(a)(3) and 1107(a)(4), as well as in the definitions of Option Contract, Trading Currency and Underlying Currency in Article I of the By-Laws.

OCC also proposes to delete Rule 402 concerning the supplementary reporting of Confirmed Trades. Under Rule 402, in certain extraordinary circumstances, OCC may in its discretion accept from an Exchange after the cut-off time for receiving Confirmed Trade information for a particular business day (''trade date'') supplementary Confirmed Trade information reflecting the comparison of additional trades executed on or before the trade date that remained unconfirmed at the cut-off time. Rule 402 was adopted at a time when OCC received matched trade information from Exchanges for a given trade date in a single batch submission after the close of the trading day.[35] Under this old process, trades that remained unmatched when an Exchange prepared its nightly trade tape to OCC were omitted from the tape and, if a trade was subsequently matched, the Exchange reported the trade to OCC the following night to be processed as if it had not been executed until the date when it was reported. Rule 402 was adopted to accommodate the late submission of trades that had not been matched in time to be submitted on the Exchange's original trade tape, thereby allowing those trades to be processed as if they were submitted on their original trade date. OCC is proposing to delete Rule 402 because it is no longer applicable to OCC's current clearing processes, whereby OCC continuously receives matched trade information from Exchanges on a real-time basis.

(2) Statutory Basis

Section 17A(b)(3)(F) of the Act[36] requires, among other things, that the rules of a clearing agency be designed to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, promote the prompt and accurate clearance and settlement of securities and derivatives transactions, and, in general, protect investors and the public interest. The proposed rule change is intended to provide a clear and uniform acceptance and novation time for nearly all Confirmed Trades and to clarify the acceptance and novation timing regarding Stock Loans by creating greater certainty regarding the time at which novation occurs and such Confirmed Trades and Stock Loans may no longer be rejected by OCC. Under the newly proposed uniform acceptance time, OCC would deem nearly all Confirmed Trades to be accepted and simultaneously novated when they are reported to OCC, provided that the transaction information reported to OCC by the Exchange or OTC Trade Source first passes OCC's validation procedures and is provided to OCC at such time as OCC prescribes. In addition, the proposed rule change also would eliminate certain dormant rules that are no longer applicable to OCC's clearance and settlement services and processes. As a result, OCC believes that the proposed rule change would provide greater clarity and transparency to Clearing Members, other users of OCC, and the general public regarding OCC's processes for the reporting of transactions, acceptance, and novation. OCC therefore believes that the proposed rule change is designed to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, promote the prompt and accurate clearance and settlement of securities and derivatives transactions, and, in general, protect investors and the public interest in accordance with Section 17A(b)(3)(F) of the Act.[37]

In addition, Rule 17Ad–22(e)(1)[38] requires a covered clearing agency to establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for a well-founded, clear, transparent and enforceable legal basis for each aspect of its activities in all relevant jurisdictions. First, the proposed rule change would provide a clear and uniform time regarding OCC's acceptance and novation for nearly all Confirmed Trades and clarify OCC's acceptance and novation process regarding Stock Loans. Achieving this outcome by, among other things, eliminating the use of the term Commencement Time and the current structure in which users must parse through a number of By-Law and Rule provisions to identify the time at which novation occurs would help ensure that OCC has a well-founded, clear, transparent, and enforceable legal basis regarding the rights and obligations of OCC and Clearing Members in respect of the reporting of transactions, acceptance, and novation. Second, OCC also believes that the proposal to streamline and reorganize provisions concerning transaction reporting, acceptance, and novation is consistent with Rule 17Ad–22(e)(1)[39] because consolidating them in Chapter IV of the Rules would promote readability and therefore allow the provisions to be more easily understood. OCC believes this same purpose of promoting clarity and readability would also be furthered by eliminating By-Law and Rule provisions that concern certain dormant products that are no longer cleared and settled by OCC or that concern processes no longer supported by OCC.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act[40] requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. OCC does not believe that the proposed rule change would impact or impose any burden on competition. The proposed rule change is designed to provide more clarity and transparency to, and therefore foster cooperation and coordination among, Clearing Members, other users of OCC, and the general public regarding OCC's processes regarding the reporting of transactions, acceptance and novation. This proposed rule change would not inhibit access to OCC's services or

[35] *See* Filing and Order Granting Accelerated Approval of Proposed Rule Change of Options Clearing Corporation, Securities Exchange Act Release No. 21233 (August 10, 1984) (SR–OCC–84–12).

[36] 15 U.S.C. 78q–1(b)(3)(F).

[37] *Id.*

[38] 17 CFR 240.17Ad–22(e)(1).

[39] *Id.*

[40] 15 U.S.C. 78q–1(b)(3)(I).

disadvantage or favor any particular user in relationship to another, and it would be applied uniformly to all Clearing Members. For the foregoing reasons, OCC believes the proposed rule change is in the public interest, would be consistent with the requirements of the Act applicable to clearing agencies and would not impact or impose a burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be 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–OCC–2018–007 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–OCC–2018–007. 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 such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/about/publications/bylaws.jsp.*

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–OCC–2018–007 and should be submitted on or before April 30, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[41]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–07111 Filed 4–6–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82985; File No. SR–NYSE–2018–11]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Fees Charged in Connection With the Filing of Supplemental Listing Applications in Connection With the Issuance of Convertible Securities

April 3, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 22, 2018, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend its fees charged in connection with the filing of listing applications in relation to the issuance of securities convertible into or exchangeable or exercisable for additional securities of a listed class of common stock. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fees charged in connection with the filing of listing applications in relation to the issuance of securities convertible into or exchangeable or exercisable for additional securities of a listed class of common stock (''Convertible Securities'').

A listed company is required to submit a supplemental listing application (''SLAP'') prior to any issuance of Convertible Securities. Each time a listed company submits a SLAP in connection with the issuance of Convertible Securities, it must pay the minimum fee of $10,000 provided for by Section 902.03 of the Manual. The Exchange, however, does not charge any

[41] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

listing fees with respect to the common shares issuable upon conversion, exchange or exercise of such securities at the time of submission of the required SLAP. Rather, Section 902.02 of the Manual provides that the listed company will be charged at the end of the calendar year [sic] for any such common shares that are issued that year.[4]

The Exchange has noted that it is not unusual for a listed company to enter into a number of different transactions in which it issues Convertible Securities. Each such transaction requires the submission of a SLAP, and the payment of the $10,000 minimum SLAP fee, incurring a significant fee expense even where the transactions covered by the SLAPs are immaterial in size.

The Exchange proposes to amend Section 902.03 to limit the fee expense to listed companies. Under the proposed amendment, a $10,000 SLAP fee will be billed with respect to the first SLAP solely in connection with the issuance of securities convertible into or exchangeable or exercisable for additional securities of a listed class that is submitted by a listed issuer in each calendar quarter. No additional SLAP fee will be billed for any other SLAP solely in connection with the issuance of securities convertible into or exchangeable or exercisable for additional securities of a listed class that is submitted during the rest of that calendar quarter.

The Exchange does not expect that the reduction in fee revenue associated with this proposed amendment will have any effect on its ability to finance its regulatory program.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(4)[6] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges and is not designed to permit unfair discrimination among its members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[7] in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed rule change is consistent with Sections 6(b)(4) and 6(b)(5) of the Exchange Act in that it represents an equitable allocation of fees and does not unfairly discriminate among listed companies. In particular, the Exchange believes that the proposed amendment is not unfairly discriminatory because it will be applied the same to all listed companies submitting SLAPs in connection with the issuance of Convertible Securities. The Exchange also notes that listed companies will be charged per share listing fees with respect to any shares of common stock issued upon conversion, exchange or exercise of the Convertible Securities, thereby ensuring that the fees associated with a Convertible Securities transaction will be reflective of the size of the transaction.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change will not impose any burden competition as its sole purpose is to provide a limited relief from the listing fees a company incurs when it issues Convertible Securities in a series of separate transactions during a calendar quarter.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[8] of the Act and subparagraph (f)(2) of Rule 19b–4[9] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[10] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2018–11 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–NYSE–2018–11. 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

[4] The Commission notes that Section 902.02 of the NYSE Listed Company Manual (''Manual'') states that with respect to shares that are not issued at the time of listing, such as for Convertible Securities, listing fees will accrue on these securities as of the date of issuance and such accrued listing fees will be billed at the beginning of the following year along with the issuer's annual fees. *See* Section 902.02 of the Manual (''Timing of Listing Fees for Subsequent Issuances'').

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(2).

[10] 15 U.S.C. 78s(b)(2)(B).

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 filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2018–11, and should be submitted on or before April 30, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–07113 Filed 4–6–18; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 10374]

60-day Notice of Proposed Information Collection: Application for Immigrant Visa and Alien Registration

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to June 8, 2018.

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

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov*. You can search for the document by entering ''Docket Number: DOS–2018–0014'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: PRA_BurdenComments@state.gov*.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application for Immigrant Visa and Alien Registration.
- *OMB Control Number:* 1405–0015.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Visa Office (CA/VO/L/R).
- *Form Number:* DS–230.
- *Respondents:* Applicants for Cuban Family Reunification Parole or Immigrant Visas that are not able to use the DS–260, where authorized by the Department.
- *Estimated Number of Respondents:* 20,000.
- *Estimated Number of Responses:* 20,000.
- *Average Time per Response:* 125 minutes.
- *Total Estimated Burden Time:* 41,667 annual hours.
- *Frequency:* Once per application.
- *Obligation to respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Application for Immigrant Visa and Alien Registration (DS–230) is used to collect biographical information from individuals seeking for Cuban Family Reunification Parole. While this discretionary parole authority is exercised by the Department of Homeland Security, an applicant must demonstrate that he or she is eligible for an immigrant visa. In rare circumstances, an applicant for an immigrant visa may complete the DS–230 in lieu of the online version of the application (DS–260, OMB Control Number 1405–0185). The consular officer uses the information collected to elicit information necessary to determine an applicant's immigrant visa eligibility.

Methodology

Applicants will complete the DS–230 and submit it to a consular post. A consular officer will review the application to determine whether the applicant is eligible for an immigrant visa.

Edward Ramotowski,

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2018–07144 Filed 4–6–18; 8:45 am]

BILLING CODE 4710–06–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 33 (Sub-No. 334X)]

Union Pacific Railroad Company—Abandonment Exemption—in McLennan County, Tex.

Union Pacific Railroad Company (UP) has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F–*Exempt Abandonments and Discontinuance of Service* to abandon 0.5 miles of the former Mart Line near Waco, Tex., between milepost 173.2 and milepost 173.7 near the TX 340 Loop crossing, in McLennan County, Tex. (the Line). The Line traverses United States Postal Service Zip Code 76705.[1]

UP has certified that: (1) No local or overhead traffic has moved over the Line for at least two years; (2) there is no need to reroute any traffic over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

[1] UP filed this notice simultaneously with a verified notice of exemption for discontinuance of service over a portion of rail line connected to the Line at milepost 173.7. That notice is being considered in a separate docket. *See Union Pac. R.R.—Discontinuance of Serv. Exemption—in McLennan Cty., Tex.,* AB 33 (Sub-No. 335X) (STB served April 9, 2018).

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) [2] has been received, this exemption will be effective on May 9, 2018, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[3] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[4] and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 19, 2018. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 30, 2018, with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to UP's representative: Jeremy M. Berman, 1400 Douglas St., #1580, Omaha, NE 68179.

If the verified notice contains false or misleading information, the exemption is void ab initio.

UP has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by April 13, 2018. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by UP's filing of a notice of consummation by April 9, 2019, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at *WWW.STB.GOV.*

Decided: April 4, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Marline Simeon,

Clearance Clerk.

[FR Doc. 2018–07226 Filed 4–6–18; 8:45 am]

BILLING CODE 4915–01–P

[2] The Board modified its OFA procedures effective July 29, 2017. Among other things, the OFA process now requires potential offerors, in their formal expression of intent, to make a preliminary financial responsibility showing based on a calculation using information contained in the carrier's filing and publicly available information. *See Offers of Financial Assistance,* EP 729 (STB served June 29, 2017); 82 FR 30,997 (July 5, 2017).

[3] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[4] Each OFA must be accompanied by the filing fee, which is currently set at $1,800. *See Regulations Governing Fees for Servs. Performed in Connection with Licensing & Related Servs.—2017 Update,* EP 542 (Sub-No. 25), slip op. App. C at 20 (STB served July 28, 2017).

SURFACE TRANSPORTATION BOARD

[Docket No. AB 33 (Sub-No. 335X)]

Union Pacific Railroad Company—Discontinuance of Service Exemption—in McLennan County, Tex.

Union Pacific Railroad Company (UP) has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F–*Exempt Abandonments and Discontinuance of Service* to discontinue service over approximately 1.3 miles of the former Mart Line near Waco, Tex., between milepost 173.7 and milepost 175.0 near Chapel Hill Road, in McLennan County, Tex. (the Line). The Line traverses United States Postal Service Zip Code 76705.[1]

UP has certified that: (1) No local or overhead traffic has moved over the Line for at least two years; (2) there is no need to reroute any traffic over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR. 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) [2] to subsidize continued rail service has been received, this exemption will be effective on May 9, 2018, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2) [3] must be filed by April 19, 2018.[4] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 30, 2018, with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to UP's representative: Jeremy M. Berman, 1400 Douglas St., #1580, Omaha, NE 68179.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Board decisions and notices are available on our website at *WWW.STB.GOV.*

[1] UP filed this notice simultaneously with a verified notice of exemption to abandon a 0.5-mile portion of rail line that connects with the Line at milepost 173.7. That notice is being considered in a separate docket. *See Union Pac. R.R.—Aban. Exemption—in McLennan Cty., Tex.,* AB 33 (Sub-No. 334X) (STB served April 9, 2018).

[2] The Board modified its OFA procedures effective July 29, 2017. Among other things, the OFA process now requires potential offerors, in their formal expression of intent, to make a preliminary financial responsibility showing based on a calculation using information contained in the carrier's filing and publicly available information. *See Offers of Financial Assistance,* EP 729 (STB served June 29, 2017); 82 FR 30,997 (July 5, 2017).

[3] Each OFA must be accompanied by the filing fee, which is currently set at $1,800. *See Regulations Governing Fees for Servs. Performed in Connection with Licensing & Related Servs.—2017 Update,* EP 542 (Sub-No. 25), slip op. App. C at 20 (STB served July 28, 2017).

[4] Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Because there will be an environmental review during abandonment, this discontinuance does not require environmental review.

Decided: April 4, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Marline Simeon,

Clearance Clerk.

[FR Doc. 2018–07223 Filed 4–6–18; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2018–26]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before April 23, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0283 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Forseth, AIR–673, Federal Aviation Administration, 2200 S. 216th St., Des Moines, WA 98198–6547, email *mark.forseth@faa.gov,* phone (206) 231–3179; or Alphonso Pendergrass, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, email *alphonso.pendergrass@faa.gov,* phone (202) 267–4713.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on April 3, 2018.

Victor Wicklund,

Manager, Transport Standards Branch.

Petition for Exemption

Docket No.: FAA–2018–0283.

Petitioner: Gulfstream Aerospace Corporation.

Section of 14 CFR Affected: § 25.1309(b); and Special Conditions Nos. 25–612–SC, 25–661–SC, 25–662–SC, 25–664–SC, 25–665–SC, and 25–667–SC.

Description of Relief Sought: Permit 18 months for additional compliance testing of non-rechargeable lithium-ion batteries for emergency-locator transmitters on Gulfstream Model GV–SP, GVI, GVII, G150, G280, and G200 airplanes.

[FR Doc. 2018–07142 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No: FAA–2005–22842]

Notice of Opportunity: Criteria and Application Procedures for the Military Airport Program (MAP).

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

ACTION: Notice of criteria and application procedures.

SUMMARY: This document announces the criteria, application procedures, and schedule to be applied by the Secretary of Transportation to designate a maximum of 15 joint-use or former military airports to participate in the MAP for the purposes of capital development funding assistance.

DATES: Applications must be received no later than June 8, 2018.

ADDRESSES: Submit an original signed Standard Form (SF) 424, ''Application for Federal Assistance'' (available at: *https://www.faa.gov/airports/resources/forms/?sect=aip,payments*) along with all supporting documentation. Airport sponsor applicants must specifically request consideration to participate in the Fiscal Year (FY) 2018 MAP. Submission(s) should be sent to the appropriate FAA Regional Airports Division or Airports District Office that serves the airport (sponsor). Applicants can find their local office on the FAA website at: *http://www.faa.gov/airports/news_information/contact_info/regional/* or may contact the office listed under the section ''For Further Information.''

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan DiMartino (*jonathan.dimartino@faa.gov*), Airports Financial Assistance Division, Office of Airport Planning and Programming, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, (202) 267–8744.

SUPPLEMENTARY INFORMATION:

General Description of the Program

Under 49 U.S.C. 47118, the MAP provides capital development assistance to civilian airport sponsors of designated joint-use military airfields or former military airports that are included in the FAA's National Plan of Integrated Airport Systems (NPIAS). Airport sponsors designated to the MAP may receive set-aside grant funds from the Airport Improvement Program (AIP) (4 percent of discretionary funds) for airport development that will assist the airport sponsor in successfully transitioning the airport from military to civilian use. The MAP is described in detail in FAA Order 5100.38D, Airport Improvement Program (AIP) Handbook.

Number of Airports

As set forth by 49 U.S.C. 47118, a maximum of 15 airports may participate in the MAP at any time. Three of the 15 may be general aviation (GA) airports; the remainder must be commercial service or reliever airports. In FY 2018, there are 12 slots available in the program; however, there are no openings available for GA airports.

Designation Duration

The FAA has the option to designate an airport sponsor for any duration between 1 and 5 fiscal years. The FAA will evaluate the conversion needs of the airport in its capital development plan to determine the appropriate length of designation.

Redesignation Duration

Previously designated airport sponsors may apply for redesignation to the MAP for a period between 1 and 5 fiscal years. Those airport sponsors must meet the current MAP eligibility requirements of 49 U.S.C. 47118(a), at the beginning of each grant period. The FAA will evaluate applications for redesignation primarily in terms of the remaining projects that are specifically fundable only under the MAP because redesignated airports generally have fewer conversion needs than new candidates. The FAA's goal is to gradually transition MAP airports to regular AIP participation by helping these airports successfully convert to civilian airport operations.

MAP Funding Limitations

Designated airport sponsors may receive up to $7 million per fiscal year for terminal projects and up to $7 million for construction, improvement, or repair of fuel farms, utility systems, surface automobile parking lots, hangars, and air cargo terminals that are not larger than 50,000 square feet. Revenue generating projects that may not normally be AIP eligible at the airport may be considered through the MAP to assist in the conversion of a military joint-use or former military facility to civilian use.

Use of Regular AIP on a MAP Designated Airport

MAP designated airport projects are not limited to MAP funding. They may also qualify for other AIP funding if they meet all AIP associated project eligibility and justification requirements.

Designation Requirements

The MAP allows the Secretary of Transportation to designate civilian airport sponsors of joint-use or former military airports (other than an airport so designated before August 24, 1994) to receive grants from the AIP if they meet the following general requirements:

1. The airport is a former military installation closed or realigned under:

a. Section 2687 of 10 U.S.C. (announcement of closures of large Department of Defense (DOD) installations after September 30, 1977);

b. Section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (BRAC) (10 U.S.C. 2687, note); or

c. Section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687, note).

2. The airport is a military installation with both military and civil aircraft operations.

3. The airport is classified as a commercial service or reliever airport in the NPIAS. (See 49 U.S.C. 47105(b)(2).)

4. In addition, three of the designated airports may be GA airports that were former military installations closed or realigned under BRAC, as amended, or 10 U.S.C. 2687. (See 49 U.S.C. 47118(g).) Therefore, a GA airport can only qualify under requirement 1 of this section. ''GA airport'' means a public airport that is located in a State that, as determined by the Secretary:

a. does not have scheduled service; or

b. has scheduled passenger service with fewer than 2,500 passenger boardings per year.

Pursuant to 49 U.S.C. 47104(c), in designating new candidate airport sponsors, the Secretary may consider only current or former military airports for designation if a grant would:

1. Reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings;

2. Enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays; or

3. Preserve or enhance minimum airfield infrastructure facilities at former military airports to support emergency diversionary operations for transoceanic flights. (See 49 U.S.C. 47118(c)(3).)

The FAA will evaluate applications for new MAP designations on the basis of how the proposed projects included in the application would contribute to delay reductions and/or how the airport improvements would enhance national and local air traffic or airport system capacity and provide adequate related user services.

Candidate Evaluation

Recently realigned or closed military airports and military airfields with new joint-use agreements generally have the greatest need for funding assistance to transition to civil airport operations. Newly converted airports and new joint-use locations frequently have minimal capital development resources and therefore receive priority consideration for designation and MAP funding. The FAA will evaluate the need for eligible projects based upon information in the airport's 5-year Capital Improvement Plan (CIP) submitted by the airport sponsor and the following specific factors:

1. Compatibility of airport roles and the ability of the airport to provide an adequate airport facility;

2. The capability of the airport to serve aircraft that otherwise must use a congested airport;

3. Landside surface access;

4. Airport operational capability, including peak hour and annual capacities;

5. Potential of other metropolitan area airports to relieve the congested airport;

6. Ability to satisfy, relieve, or meet air cargo demand within the metropolitan area;

7. Forecasted aircraft and passenger levels, type of commercial service anticipated, *i.e.,* scheduled or chartered commercial service;

8. Type and capacity of aircraft projected to serve the airport and level of operations at the congested airport and the candidate airport;

9. The potential for the airport to be served by aircraft or users, including the airlines serving the congested airport;

10. Ability to replace an existing commercial service or reliever airport serving the area; and

11. Any other documentation to support designation of the airport sponsor's candidate airport.

The FAA will evaluate proposed development projects to assess the potential of the airport to become a viable civilian airport that will enhance system capacity or reduce delays.

Application Procedures and Required Documentation

Airport sponsors applying for designation or redesignation to the MAP must complete and submit an SF–424 and provide supporting documentation to the appropriate FAA Regional Airports Division or Airports District Office serving that airport. Airport sponsors may obtain this fillable form from *https://www.faa.gov/airports/resources/forms/?sect=aip,-payments.* Applicants must fill this form out completely and include the following:

- Item 1 (Type of Submission)—Mark as a ''preapplication'';
- Item 2 (Type of Application)—Mark as ''New'' and in ''Other'' fill in ''Military Airport Program'';
- Item 15 (Descriptive Title of Applicant's Project)—Fill with ''designation (or redesignation) to the Military Airport Program''; and
- Item 18.a. (Estimated Funding)—Fill in the total amount of funding requests anticipated from the MAP over the entire term sought in the application.

Supporting Documentation

1. Identification as a joint-use or former military airport. The application must identify the airport sponsor's airport as either a joint-use or former military airport and indicate whether it was:

a. Closed or realigned under section 201 of the BRAC and/or section 2905 of the Defense Base Closure and Realignment Act of 1990 (Installations Approved for Closure by the Defense Base Realignment and Closure Commissions);

b. Closed or realigned pursuant to 10 U.S.C. 2687 as excess property (bases announced for closure by the DOD pursuant to this title after September 30, 1977 (this is the date of announcement for closure)); or

c. A military installation with both military and civil aircraft operations.

2. Qualifications for the MAP. The application must include documentation to answer questions a. through j. below:

a. Does the airport meet the definition of a ''public airport'' as defined in 49 U.S.C. 47102(21)?

b. Is the required environmental review for civil reuse or joint-use of the military airfield completed?

- The environmental review does not need to include the individual projects to be funded by the MAP.
- The environmental review is necessary to convey the property or enter into a long-term lease, or finalize a joint-use agreement.
- The military department conveying or leasing the property or entering into a joint-use agreement should have the primary responsibility for the environmental review.

c. Does the eligible airport sponsor hold or will hold satisfactory title or a long-term lease (25 years or longer)?

- Documentation that the Federal Government accepted an application for surplus or BRAC airport property is sufficient to meet this requirement.

d. Does the airport sponsor have an existing joint-use agreement with the military department having jurisdiction over the airport?

e. A copy of the existing joint-use agreement must be submitted with the application. Is the airport classified as a ''commercial service airport'' or a ''reliever airport'' as defined in 49 U.S.C. 47102(7) and (23)?

f. Is the airport sponsor an eligible airport ''sponsor,'' as defined in 49 U.S.C. 47102(26)?

g. Does the airport sponsor have a 5-year CIP indicating all eligible grant projects to be funded either from the MAP or from other portions of the AIP?

h. Does the airport have an FAA-approved airport layout plan (ALP)?

i. For commercial service airports, has a business/marketing plan or equivalent been completed?

j. For reliever or GA airports, alternative planning documents may be submitted in lieu of a business/marketing plan.

3. Other Factors. The application should include information on the items below:

a. Identify the existing and potential levels of visual or extra instrument operations and aeronautical activity at the current or former military airport and, if applicable, the congested airport.

b. Explain how the airport contributes to the air traffic system or airport system capacity.

c. Provide the revenue passenger and air cargo levels if commercial air carriers serve the airport.

d. Describe the airport's projected civil role and development needs for transitioning from use as a military airfield to a civil airport. Include how development projects would serve to reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings, enhance capacity in a metropolitan area, or reduce current and projected flight delays.

e. Describe the existing airspace capacity. Explain how anticipated new operations would affect the surrounding airspace, congestion, and air traffic flow patterns in the metropolitan area in or near the airport.

f. Describe the airport sponsor's 5-year CIP. The CIP must identify the safety, capacity, and conversion related projects, estimated costs, and projected construction schedule.

g. Describe projects that are consistent with the role of the airport and effectively contribute to the joint-use or civil conversion of the airfield. The projects selected (*e.g.,* safety-related, conversion-related, and/or capacity-related) must be identified and fully explained based on the airport sponsor's planned airport use. Each project that may be eligible under MAP must be clearly indicated and include the following information:

Airside

- Planned safety modifications including pavement, marking, lighting, drainage, or other structures or features to meet civil standards for approach, departure, and other protected airport surfaces as described in 14 CFR part 77, or airport design standards set forth in FAA Advisory Circular 150/5300–13A;
- Planned construction of facilities, such as passenger terminal gates, aprons for passenger terminals, taxiways to new terminal facilities, aircraft parking, and cargo facilities to accommodate civil use;
- Planned utility upgrades serving the civilian function and independent operation including: electrical, mechanical, communications lines, water, gas, sewer, storm drainage;
- Planned acquisition, construction, rehabilitation, or modification of facilities and equipment including: snow removal equipment, aircraft rescue and fire fighting facilities and equipment, security equipment, lighting vaults, and reconfiguration or relocation of eligible buildings for more efficient civil airport operations;
- Planned modifications of fuel farms to accommodate civil aviation use;
- Planned acquisition of additional land for runway protection zones, other approach protection, or airport development; and
- Planned modifications, which will permit the airfield to accommodate GA users.

Landside

- Planned construction, improvement, or repair of surface parking areas for passenger and air cargo terminals;
- Planned construction, improvement, or repair of access roads to provide efficient movement of vehicular traffic that leads directly to or from a passenger or air cargo terminal, fixed base operations, and aircraft maintenance areas; or
- Planned construction, improvement, or repair of facilities, such as passenger terminals, hangars, and air cargo terminal buildings.

h. Evaluate the ability of surface transportation facilities (*e.g.,* road, rail, high-speed rail, and/or maritime) to provide intermodal connections.

i. Describe the type and level of aviation (and community) interest in the civil use of the current or former military airport.

j. Provide one copy of the FAA-approved ALP with each application. The ALP must clearly describe capacity and conversion-related projects. Airport sponsors should also include other information, such as: Project cost(s), schedule, project justification(s), other project related maps and drawings showing the project location(s), and any other supporting documentation that would make the airport sponsor's application easier to understand. Airport sponsors may also include photos that further describe the airport, projects, and otherwise clarify certain aspects of the application. These maps and ALPs should be cross-referenced

with the project costs and descriptions noted elsewhere in the application.

Redesignation Applications

Airport sponsors applying for redesignation to the MAP must submit the same information required of new candidate airport sponsors. Airport sponsors requesting redesignation must also answer the following questions:

1. Why is a redesignation and additional MAP-eligible project funding needed to accomplish the conversion to a civilian-use airport?

2. What is the preferred time period for redesignation (not to exceed 5 years)?

3. Why would funding of eligible work under other categories of AIP or other sources of funding not accomplish the development needs of the airport?

4. Airport sponsors applying for redesignation must provide a reanalysis of their original business/marketing plans (for example, a plan previously funded by the DOD's Office of Economic Adjustment or the original master plan for the airport) and prepare an updated plan. If no business/marketing plan exists, a business/marketing plan or strategy must be developed. The report must address these questions:

a. Is the airport sponsor continuing to work towards the goals established in the business/marketing plan?

b. How do the MAP projects contained in the application contribute to the goals of the airport sponsor and its plans?

c. If the business/marketing plan no longer applies to the current goals of the airport sponsor, how has the airport sponsor altered the business/marketing plan to establish a new direction for the facility and how do the projects contained in the MAP application aid in the completion of the new direction and goals and by what date does the airport sponsor anticipate graduating from the MAP?

This notice is issued pursuant to 49 U.S.C. 47118. Issued from Washington, DC, on April 4, 2018.

Elliott Black

Director, Office of Airport Planning and Programming.

[FR Doc. 2018–07228 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2018–28]

Petition for Exemption; Summary of Petition Received; Wittman Regional Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 30, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0191 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Clarence Garden (202) 267–7489, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

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

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2018–0191.

Petitioner: Wittman Regional Airport.

Section(s) of 14 CFR Affected: § 139.101.

Description of Relief Sought: Wittman Regional Airport is requesting an exemption to allow certain unscheduled Air Carrier operations at Wittman Regional Airport (KOSH) at limited times during Experimental Aircraft Association (EAA) Airventure 2018.

[FR Doc. 2018–07171 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2018–19]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before April 30, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0213 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

• *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

• *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Forseth, AIR–673, Federal Aviation Administration, 2200 S. 216th St., WA 98198–6547, email *mark.forseth@faa.gov,* phone (206) 231–3179; or Alphonso Pendergrass, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, email *alphonso.pendergrass@faa.gov,* phone (202) 267–4713.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on April 3, 2018.

Victor Wicklund,

Manager, Transport Standards Branch.

Petition for Exemption

Docket No.: FAA–2018–0213.

Petitioner: The Boeing Company.

Section of 14 CFR Affected: §§ 25.561(b)(3)(ii) and (c), and 25.787(a) and (b).

Description of Relief Sought: Provide relief, for Boeing Model 747–8F and 747–400F freighter airplanes, from the requirements to prevent contents in the cargo compartment from becoming a hazard by shifting during emergency landing conditions.

[FR Doc. 2018–07141 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2018–25]

Petition for Exemption; Summary of Petition Received; Southern Utah University

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

ACTION: Notice; correction.

SUMMARY: The FAA published a document in the **Federal Register** on March 29, 2018, concerning the request for comments on the general curriculum requirements provided for in 14 Code of Federal Regulations. The document contained the incorrect Summary Notice Number.

FOR FURTHER INFORMATION CONTACT: Brenda Robeson (202) 267–4712

Correction

In the **Federal Register** of March 29, 2018, in FR Notice Doc 2018–06333, on page 13582, in the heading of the notice in the center column, correct the Docket ID Summary Number to read as follows:

''Docket Id Summary Notice No. 2018–25''

Issued in Washington, DC, on April 2, 2018.

Lirio Liu,

Executive Director, Office of Rulemaking.

[FR Doc. 2018–07169 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–6156; FMCSA–1999–6480; FMCSA–2003–16241; FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2005–23099; FMCSA–2005–23238; FMCSA–2006–23773; FMCSA–2007–0017; FMCSA–2007–0071; FMCSA–2007–27897; FMCSA–2009–0011; FMCSA–2009–0206; FMCSA–2009–0291; FMCSA–2009–0321; FMCSA–2011–0142; FMCSA–2011–0275; FMCSA–2011–0298; FMCSA–2011–0324; FMCSA–2011–0365; FMCSA–2011–0366; FMCSA–2011–0378; FMCSA–2013–0028; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0345; FMCSA–2015–0348; FMCSA–2015–0350; FMCSA–2015–0351]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 113 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before May 9, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–1999–6156; FMCSA–1999–6480; FMCSA–2003–16241; FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2005–23099; FMCSA–2005–23238; FMCSA–2006–23773; FMCSA–2007–0017; FMCSA–2007–0071; FMCSA–2007–27897; FMCSA–2009–0011; FMCSA–2009–0206; FMCSA–2009–0291; FMCSA–2009–0321; FMCSA–2011–0142; FMCSA–2011–0275; FMCSA–2011–0298; FMCSA–2011–0324; FMCSA–2011–0365; FMCSA–2011–0366; FMCSA–2011–0378; FMCSA–2013–0028; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–

0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0345; FMCSA–2015–0348; FMCSA–2015–0350; FMCSA–2015–0351 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 113 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 113 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (64 FR 54948; 64 FR 68195; 65 FR 159; 65 FR 20251; 67 FR 10475; 67 FR 17102; 68 FR 61857; 68 FR 74699; 68 FR 75715; 69 FR 8260; 69 FR 10503; 69 FR 17267; 70 FR 57353; 70 FR 71884; 70 FR 72689; 71 FR 644; 71 FR 4194; 71 FR 4632; 71 FR 5105; 71 FR 6824; 71 FR 6829; 71 FR 6826; 71 FR 13450; 71 FR 16410; 71 FR 19600; 71 FR 19602; 72 FR 39879; 72 FR 52422; 72 FR 62897; 72 FR 67340; 72 FR 71995; 73 FR 1395; 73 FR 5259; 73 FR 6242; 73 FR 8392; 73 FR 9158; 73 FR 11989; 73 FR 15254; 73 FR 16950; 74 FR 43217; 74 FR 49069; 74 FR 57551; 74 FR 60021; 74 FR 65842; 74 FR 65845; 74 FR 65847; 75 FR 1451; 75 FR 1835; 75 FR 8184; 75 FR 9477; 75 FR 9480; 75 FR 9482; 75 FR 9484; 75 FR 13653; 75 FR 20881; 75 FR 22176; 76 FR 49528; 76 FR 61143; 76 FR 64164; 76 FR 66123; 76 FR 70210; 76 FR 70213; 76 FR 75942; 76 FR 78728; 76 FR 79760; 77 FR 541; 77 FR 545; 77 FR 3547; 77 FR 3552; 77 FR 5874; 77 FR 7233; 77 FR 7657; 77 FR 10604; 77 FR 10606; 77 FR 13689; 77 FR 13691; 77 FR 17107; 77 FR 17108; 77 FR 17115; 77 FR 17117; 77 FR 17119; 77 FR 19749; 77 FR 22059; 77 FR 22838; 78 FR 27281; 78 FR 41188; 78 FR 47818; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 64271; 78 FR 64274; 78 FR 66099; 78 FR 67452; 78 FR 67454; 78 FR 67455; 78 FR 74223; 78 FR 76395; 78 FR 76704; 78 FR 76705; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78475; 79 FR 1908; 79 FR 2247; 79 FR 2748; 79 FR 4803; 79 FR 4805; 79 FR 6993; 79 FR 10602; 79 FR 10606; 79 FR 10607; 79 FR 10608; 79 FR 10609; 79 FR 10610; 79 FR 10611; 79 FR 10619; 79 FR 12565; 79 FR 13085; 79 FR 14328; 79 FR 14331; 79 FR 14332; 79 FR 14333; 79 FR 15794; 79 FR 17641; 79 FR 17642; 79 FR 17643; 79 FR 18390; 79 FR 18391; 79 FR 22003; 80 FR 33007; 80 FR 63869; 80 FR 67472; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 76345; 80 FR 79414; 80 FR 80443; 81 FR 6573; 81 FR 11642; 81 FR 14190; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 28136; 81 FR 28138; 81 FR 39100; 81 FR 44680; 81 FR 52516; 81 FR 60117). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each

driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of April and are discussed below:

As of April 12, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 58 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (68 FR 7469; 68 FR 61857; 68 FR 74699; 68 FR 75715; 69 FR 10503; 70 FR 57353; 70 FR 71884; 70 FR 72689; 71 FR 644; 71 FR 4194; 71 FR 4632; 71 FR 6829; 71 FR 13450; 72 FR 39879; 72 FR 52422; 72 FR 62897; 72 FR 67340; 72 FR 71995; 73 FR 1395; 73 FR 5259; 73 FR 6242; 73 FR 8392; 73 FR 9158; 73 FR 16950; 74 FR 43217; 74 FR 49069; 74 FR 57551; 74 FR 60021; 74 FR 65842; 74 FR 65845; 74 FR 65847; 75 FR 1451; 75 FR 8184; 75 FR 9477; 75 FR 9482; 75 FR 9484; 76 FR 49528; 76 FR 61143; 76 FR 64164; 76 FR 66123; 76 FR 70210; 76 FR 70213; 76 FR 75942; 76 FR 78728; 76 FR 79760; 77 FR 541; 77 FR 545; 77 FR 3547; 77 FR 3552; 77 FR 5874; 77 FR 7233; 77 FR 7657; 77 FR 10604; 77 FR 10606; 77 FR 13689; 77 FR 13691; 77 FR 17117; 77 FR 17119; 77 FR 22059; 78 FR 27281; 78 FR 41188; 78 FR 47818; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 64271; 78 FR 64274; 78 FR 66099; 78 FR 67452; 78 FR 67454; 78 FR 67455; 78 FR 74223; 78 FR 76395; 78 FR 76704; 78 FR 76705; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78475; 79 FR 1908; 79 FR 2247; 79 FR 2748; 79 FR 4803; 79 FR 4805; 79 FR 6993; 79 FR 10602; 79 FR 10619; 79 FR 12565; 79 FR 13085; 79 FR 14328; 79 FR 14331; 79 FR 14332; 79 FR 14333; 79 FR 18390; 80 FR 33007; 80 FR 63869; 80 FR 67472; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 76345; 80 FR 79414; 80 FR 80443; 81 FR 11642; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 20433; 81 FR 20435; 81 FR 28136; 81 FR 44680; 81 FR 60117):

Larry Adams, Jr. (FL)
Donald Bierwirth, Jr. (CT)
Bryan Borrowman (UT)
Clifford L. Burruss (CA)
Kevin J. Cobb (PA)
Eugene Contreras (NM)
Levi R. Coutcher (WA)
Herman R. Dahmer (MD)
Jim L. Davis (NM)
Andrew S. Durward (IL)
Michael P. Eisenreich (MN)
James Esposito, Jr. (PA)
Daniel W. Eynon (OH)
Gerald W. Fox (PA)
Richard P. Frederiksen (WY)
Raul A. Gonzalez (CA)
Danny R. Gray (OK)
Keith J. Haaf (VA)
John C. Henricks (OH)
Louis E. Henry, Jr. (KY)
Michael J. Hoskins (KS)
Zion Irizarry (NV)
Kevin Jacoby (NJ)
Tommy R. Jefferies (FL)
Billy R. Jeffries (WV)
Lowell Johnson (MN)
John R. Knott, III (MN)
David G. Lamborn (ND)
Curtis M. Lawless (VA)
Raymond J. Mannarino (NY)
Herman Martinez (NM)
James McCleary (OH)
Joseph W. Meacham (MS)
Brandon J. Michalko (NY)
Michael E. Miles (IL)
Daniel I. Miller (PA)
Robert Mollicone (FL)
Josh D. Nichols (IL)
John E. Nichols (PA)
Willie L. Parks (CA)
Richard J. Pauxtis (OR)
Jerry L. Pettijohn (OK)
Paul D. Prillaman (VA)
Rafael Quintero (TX)
Ezequiel M. Ramirez (TX)
Kent S. Reining (IL)
Riland O. Richardson (GA)
Roy C. Rogers (WV)
Troy M. Ruhlman (PA)
Robert Schick (PA)
Mark A. Smalls (GA)
Scott C. Star (NJ)
Michael A. Terry (IN)
Clifford B. Thompson, Jr. (SC)
Hany A. Wagieh (NJ)
Virgil E. Walker (TX)
Norman J. Watson (NC)
Charles T. Whitehead (NC)

The drivers were included in docket numbers FMCSA–2003–16241; FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2005–23099; FMCSA–2007–0017; FMCSA–2007–0071; FMCSA–2007–27897; FMCSA–2009–0206; FMCSA–2009–0291; FMCSA–2011–0142; FMCSA–2011–0275; FMCSA–2011–0298; FMCSA–2011–0324; FMCSA–2011–0365; FMCSA–2011–0366; FMCSA–2013–0028; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0345; FMCSA–2015–0348. Their exemptions are applicable as of April 12, 2018, and will expire on April 12, 2020.

As of April 14, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following ten individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 54948; 64 FR 68195; 65 FR 159; 65 FR 20251; 67 FR 10475; 67 FR 17102; 69 FR 17267; 69 FR 8260; 71 FR 4194; 71 FR 5105; 71 FR 6824; 71 FR 6826; 71 FR 13450; 71 FR 16410; 71 FR 19600; 71 FR 19602; 73 FR 11989; 75 FR 1835; 75 FR 9482; 75 FR 13653; 77 FR 17107; 79 FR 18391; 81 FR 20435):

Nick D. Bacon (KY)
Mark A. Baisden (OH)
Curtis J. Crowston (ND)
Rupert G. Gilmore, III (AL)
Albert L. Gschwind (WI)
Walter R. Hardiman (WV)
Michael W. Jones (IL)
Matthew J. Konecki (MT)
Joseph S. Nix, IV (MO)
Robert V. Sloan (NC)

The drivers were included in docket numbers FMCSA–1999–6165; FMCSA–1999–6480; FMCSA–2005–23099; FMCSA–2005–23238; FMCSA–2006–23773; FMCSA–2009–0321. Their exemptions are applicable as of April 14, 2018, and will expire on April 14, 2020.

As of April 16, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 14 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 14190; 81 FR 39100):

William H. Brence (SD)
Jaime V. Cavazos (TX)
Jacob Dehoyos (NM)
Larry D. Fulk (MO)
Darrell K. Harber (MO)
Robert E. Holbrook (TN)
Maurice L. Kinney (PA)
Richard R. Krafczynski (PA)
Michael S. McHale (PA)
Darin P. Milton (TN)
Dakota J. Papsun (PA)
William J. Powell (KY)
Richard R. Vonderohe (IA)
William J. Watts (MT)

The drivers were included in docket number FMCSA–2015–0350. Their exemptions are applicable as of April 16, 2018, and will expire on April 16, 2020.

As of April 17, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 19749; 77 FR 22838; 79 FR 15794; 81 FR 20435):

Gilbert M. Rosas, (AZ); Kim A. Shaffer, (PA).

The drivers were included in docket number FMCSA–2011–0378. Their exemptions are applicable as of April 17, 2018, and will expire on April 17, 2020.

As of April 18, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 10606; 79 FR 10607; 79 FR 10608; 79 FR 10609; 79 FR 10610; 79 FR 10611; 79 FR 22003; 81 FR 20435; 81 FR 28131):

Thomas R. Abbott (TN)
Thomas Benavidez, Jr. (ID)
Gary A. Budde (IL)
David L. Dykes (FL)
Daniel Fedder (IL)
Mark La Fleur (MD)
Dennis A. Lindner (MN)
Michael Nichols (GA)
Dino J. Pires (CT)
Anthony S. Poindexter (MD)
John B. Theres (IL)
Robert S. Waltz (ME)

The drivers were included in docket number FMCSA–2014–0002. Their exemptions are applicable as of April 18, 2018, and will expire on April 18, 2020.

As of April 23, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (68 FR 74669; 69 FR 10503; 71 FR 6829; 73 FR 6242; 73 FR 15254; 73 FR 16950; 75 FR 20881; 77 FR 17115; 79 FR 17641; 81 FR 20435): Thomas R. Hedden, (IL); Douglas A. Mendoza, (MD).

The drivers were included in docket numbers FMCSA–2003–16564; FMCSA–2007–0071. Their exemptions are applicable as of April 23, 2018, and will expire on April 23, 2020.

As of April 27, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (75 FR 9480; 75 FR 22176; 77 FR 17108; 79 FR 17642; 79 FR 17643; 81 FR 20435):

Chad L. Burnham (ME)
David A. Christenson (NV)
Paul K. Leger (NH)
Martin L. Reyes (IL)
Gerald L. Rush, Jr. (NJ)
Larry W. Winkler (MO)

The drivers were included in docket number FMCSA–2009–0011. Their exemptions are applicable as of April 27, 2018, and will expire on April 27, 2020.

As of April 28, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 17237; 81 FR 52516):

Lee R. Boykin (TX)
Steven W. Day (MO)
Roger M. Dunaway (KY)
Hugo N. Guitterrez (IN)
William J. Kanaris (NY)
Ronnie L. McHugh (KS)
Donald P. Ruckinger (PA)
Eddie Walker (NC)
Trent Wipf (SD)

The drivers were included in docket number FMCSA–2015–0351. Their exemptions are applicable as of April 28, 2018, and will expire on April 28, 2020.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/her is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 113 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: April 2, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–07185 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2007–29035; FMCSA–2008–0293; FMCSA–2009–0242; FMCSA–2011–0277; FMCSA–2011–0278; FMCSA–2013–0184; FMCSA–2013–0187; FMCSA–2013–0190; FMCSA–2015–0336; FMCSA–2015–0337]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 178 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document

Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to http//*www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On December 11, 2017, FMCSA published a notice announcing its decision to renew exemptions for 178 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (82 FR 58258). The public comment period ended on January 10, 2018, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the 178 renewal exemption applications and comments received, FMCSA confirms its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.64(3):

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of December and are discussed below:

As of December 1, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (74 FR 48338; 74 FR 62883; 80 FR 74196):

Charles E. Boyd (NE)
Warren B. Copple, Jr. (MI)
Hernan Hernandez (CT)
Jeffrey E. Kiehl (MI)
Jesus G. Maesse (TX)
Jackson R. Olive (NY)
Thomas N. Pico (PA)
Jon C. Thomas (MT)
Dennis M. Thyfault (UT)

The drivers were included in docket number FMCSA–2009–0242. Their exemptions are applicable as of December 1, 2017, and will expire on December 1, 2019.

As of December 10, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (73 FR 63042; 73 FR 75163; 80 FR 74196):

Herschel J. Crawford (AK)
James E. Gaines (NJ)
Allan D. Gralapp (IA)
Scott L. Halm (OH)
Dean A. Sullivan (KY)
Lawrence W. Thomas (AR)

The drivers were included in docket number FMCSA–2008–0293. Their exemptions are applicable as of December 10, 2017, and will expire on December 10, 2019.

As of December 15, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 35 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 70067; 81 FR 6326):

Ramon Becerra (IN)
Steven J. Bloemker (OH)
Billy J. Bookout (OK)
David M. Brady (NE)
William G. Bush (IL)
Gene D. Carey, Jr. (PA)
James C. Decker (CA)
Thomas C. Eklund (OR)
Rodney L. Forrister, Jr. (MI)
Ronald J. Gasper (SD)
Jeremy J. Giesbrecht (IN)
Ethan T. Heideman (MN)
David T. Issler (NY)
Todd D. Jacquin (NC)
Mark C. Kucharski (CO)
Philip M. LaPierre (ME)
Mary J. Martin (PA)
Terry J. Miller (WI)
Marvin K. Mosley (SC)
Eric Nieves, Jr. (NY)
George W. Pottle, IV (ME)
Charles R. Ratcliff, Jr. (VA)
Joseph B. Ribitzki (AR)
Roger D. Richey (IN)
Michael G. Sanchez (CA)
Guido J. Scarafoni (MA)
Jeffrey M. Schleisman (IA)
Sanampreet Singh (CA)
Joshua A. Snyder (WV)
Leonard Tawahongva (AZ)
Edward M. Taylor (NE)
Donald L. Trogdon (ID)
Lazario R. Watkins (NC)
Eric J. Watson (NY)
William T. White (WA)

The drivers were included in docket number FMCSA–2015–0336. Their exemptions are applicable as of December 15, 2017, and will expire on December 15, 2019.

As of December 17, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 51 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 63298; 78 FR 76397; 80 FR 74196):

Toni Benfield (SC)
Peter J. Benz (FL)
Robert J. Berger, III (PA)
Daniel A. Bryan (PA)
Travis D. Clarkston (IN)
Romero Coleman (WI)
Michael L. Collins (WA)
Stephen A. Cronin (FL)
Steven M. Dent (IA)
John S. Duvall (PA)
Robert S. Engel (IN)
Steven M. Ference (CT)
David W. Foster (TN)
Francis M. Garlach, III (PA)
Allen D. Goddard (MO)
Brian L. Gregory (IL)
Alfonso Grijalva (CA)
Jason E. Jacobus (KY)
Bobby H. Johnson (GA)
Kevin E. Kneff (MO)
Margaret Lopez (NY)
John D. May (KS)
Mike C. McDowell (TX)
Charles B. McKay (FL)
Norman C. Mertz (PA)
Travis F. Moon (GA)
Ronald Mooney (ID)
Martin J. Mostyn (OH)
Floyd P. Murray, Jr. (UT)
Steven D. Nowakowski (MD)
Gary D. Peters (NE)
Mark A. Pille (IA)
Stephen Plesz (CT)
Glen E. Pozernick (ID)

Jody R. Prause (MI)
Walter A. Przewrocki, Jr. (PA)
Andrew Quaglia (NY)
Stanley A. Sabin (KY)
Joseph F. Schafer, Jr. (PA)
Gary A. Sjokvist (ND)
Gary L. Snelling (AL)
Charles W. Sterling (WA)
Thomas L. Stoudnour (PA)
Matthew S. Thompson (PA)
Robin S. Travis (CO)
James R. Troutman (PA)
William R. Van Gog (WA)
Charles S. Watson (IL)
William E. Wyant, III (IA)
Mark A. Yurian (MT)
David M. Zanicky (PA)

The drivers were included in docket number FMCSA–2013–0187. Their exemptions are applicable as of December 17, 2017, and will expire on December 17, 2019.

As of December 19, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 24 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (72 FR 62514; 72 FR 71996; 76 FR 64165; 76 FR 78718; 80 FR 74196):

Robin R. Baumgartner (WI)
Joseph K. Beasley (GA)
Glenn W. Burke (NY)
David P. Charest (FL)
Derek E. Dowling (PA)
Donald E. Dupke, Jr. (IN)
Donald N. Ellis (IN)
Tim E. Holmberg (WI)
Russell D. Jordan (ND)
Warren D. Knabe (NE)
Jackie L. Lane (TX)
Dennis L. Lorenz (IN)
Robert J. Malone (NJ)
Toni A. Moore (AR)
Clayton A. Powers (CA)
Dennis R. Scheel (SD)
Michael K. Schulist (MI)
Andrew P. Shirk (MS)
Jerry L. Smit (MN)
Reese L. Sullivan (TX)
Robert M. Walker (PA)
Robert E. Weiss (MI)
Robert A. Wild (OR)
Randy L. Wyant (OH)

The drivers were included in docket numbers FMCSA–2007–29035; FMCSA–2011–0277. Their exemptions are applicable as of December 19, 2017, and will expire on December 19, 2019.

As of December 22, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (76 FR 66120; 76 FR 79759; 80 FR 74196):

Lennie D. Cook (OH)
David R. Cornelius (IL)
Scott A. Edwards (PA)
Ronald J. Ezell (MO)
Marcus M. Gagne (ME)
David P. Govero (MO)
Christopher A. Jones (WY)
Donald R. McClure, Jr. (PA)
Clyde G. Rishel, Jr. (PA)
Kurt Schneider (VT)
Douglas O. Sundby (ND)

The drivers were included in docket number FMCSA–2011–0278. Their exemptions are applicable as of December 22, 2017, and will expire on December 22, 2019.

As of December 24, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 64267; 78 FR 77784; 80 FR 74196):

Theeir L. Coleman (VA)
William I. Harbolt (MT)
Ryan L. Harrier (MI)
Larry W. Hines (NM)
Mark G. Kahler (TX)
Michael W. McCrary (GA)
Sean T. McMahon (WI)
David S. Monroe (KS)
John E. Parker (KS)
David G. Schultz (PA)
Donald A. Spivey (TN)
Jerry D. Zimmerman (ND)

The drivers were included in docket number FMCSA–2013–0184. Their exemptions are applicable as of December 24, 2017, and will expire on December 24, 2019.

As of December 29, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 26 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 74190; 81 FR 6332):

Michael E. Adrieansen (IL)
Samuel M. Balis (PA)
Dwight J. Banks (IL)
David R. Bauman, III (MI)
Dustin D. Brown (WI)
Thomas W. Camp (VA)
Nathan G. Carnes (OR)
Damiano DiFlorio (NJ)
Sammy N. Fox (PA)
Matthew D. Fox (IN)
Chadwick E. Gainey (FL)
Jamal A. George (OH)
John M. Halm (WA)
William R. Hardy (MI)
Craig A. Hendrickson (IL)
Darold W. Mahlstedt (IA)
Robert L. McConnell (PA)
Randall T. Mitchell (AL)
Shawn P. O'Malley (WA)
Kenneth W. Phillips (IN)
Jakob K. Siler (WA)
Darren G. Steil (IA)
Richard E. Wagner (MN)
John F. Wesoloski, Jr. (ND)
Levon Wright, Sr. (FL)
Tadeusz S. Wrzesinki (PA)

The drivers were included in docket number FMCSA–2015–0337. Their exemptions are applicable as of December 29, 2017, and will expire on December 29, 2019.

As of December 30, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 74190; 81 FR 6332): Cris A. Brown, (MI); Vincenzo A. Cortese, (CT); Keith R. Miller, (WV).

The drivers were included in docket number FMCSA–2013–0190. Their exemptions are applicable as of December 30, 2017, and will expire on December 30, 2019.

As of December 31, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, Gary L. Crawford (OH) has satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 65034; 79 FR 3917; 80 FR 74196).

This driver was included in docket number FMCSA–2013–0190. The exemption is applicable as of December 31, 2017, and will expire on December 31, 2019.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: April 2, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–07204 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0122; FMCSA–2015–0327; FMCSA–2012–0154]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for four individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on February 24, 2018. The exemptions expire on February 24, 2020. Comments must be received on or before May 9, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2013–0122; FMCSA–2015–0327; FMCSA–2012–0154 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to driver a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

49 CFR 391.41(b)(11) was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

The four individuals listed in this notice have requested renewal of their exemptions from the hearing standard in 49 CFR 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315, each of the four applicants has satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The 4 drivers in this notice remain in good standing with the Agency. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of February 24, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers.

Michael Bunjer (MD)
Allen Estes (LA)
Edwin Oakes (NY)
Kenneth Prusinski (OH)

The drivers were included in docket numbers FMCSA–2013–0122; FMCSA–

2015–0327; FMCSA;2012–0154. Their exemptions are applicable as of February 24, 2018, and will expire on February 24, 2020.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must report any crashes or accidents as defined in 49 CFR 390.5; and (2) report all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391 to FMCSA; and (3) each driver prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 4 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the hearing requirement in 49 CFR 391.41(b)(11). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: April 2, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–07202 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0024]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 72 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) operating a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before May 9, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0024 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 72 individuals listed in this notice have requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash

involvement than the general population.

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441). The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305). Section 4129 requires: (1) Elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the three-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136 (e). Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003, notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003, notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

II. Qualifications of Applicants

Anthony R. Adamo

Mr. Adamo, 62, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Adamo understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Adamo meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from New York.

Waleid M. Aly

Mr. Aly, 43, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Aly understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Aly meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a operator's license from New Jersey.

Danny T. Anderson

Mr. Anderson, 51, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Anderson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Anderson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Georgia.

Robert F. Araway, II

Mr. Araway, 51, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Araway understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Araway meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Michigan.

Roger M. Aschan

Mr. Aschan, 56, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Aschan understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Aschan meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

James V. Azzarello

Mr. Azzarello, 33, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Azzarello understands diabetes management and monitoring,

has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Azzarello meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

Curtis B. Baker

Mr. Baker, 68, has had ITDM since 2012. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Baker understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Baker meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Delaware.

Keith L. Banitt

Mr. Banitt, 61, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Banitt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Banitt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Robert L. Bates

Mr. Bates, 64, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Bates understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bates meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

Timmy L. Bergman

Mr. Bergman, 61, has had ITDM since 2011. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Bergman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bergman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

John G. Biggs

Mr. Biggs, 58, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Biggs understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Biggs meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Missouri.

Jason R. Brown

Mr. Brown, 44, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Brown understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Brown meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

David W. Burkholder

Mr. Burkholder, 67, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Burkholder understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Burkholder meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Jeffrey J. Burrichter

Mr. Burrichter, 62, has had ITDM since 2003. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Burrichter understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Burrichter meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

Lou M. Cain

Mr. Cain, 45, has had ITDM since 2014. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or

resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Cain understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cain meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

Brayden S. Carothers

Mr. Carothers, 21, has had ITDM since 2014. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Carothers understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Carothers meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Utah.

William E. Carr

Mr. Carr, 37, has had ITDM since 2009. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Carr understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Carr meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Massachusetts.

Ebon T. Christian

Mr. Christian, 44, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Christian understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Christian meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from California.

Yasser A. Daadour

Mr. Daadour, 47, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Daadour understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Daadour meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Washington.

Michael C. Elliott

Mr. Elliott, 32, has had ITDM since 1996. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Elliott understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Elliott meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Kentucky.

Michael A. Fowler

Mr. Fowler, 53, has had ITDM since 2010. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Fowler understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fowler meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Corey J. Gillard

Mr. Gillard, 36, has had ITDM since 2012. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gillard understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gillard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Tennessee.

John D. Goodrich

Mr. Goodrich, 57, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Goodrich understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Goodrich meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Nebraska.

Mike Gordon

Mr. Gordon, 57, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gordon understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gordon meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from California.

Daniel W. Greene

Mr. Greene, 45, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Greene understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Greene meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Rodney K. Hammond

Mr. Hammond, 54, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hammond understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hammond meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Kasey D. Hardie

Mr. Hardie, 29, has had ITDM since 1999. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hardie understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hardie meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Donald F. Higgins

Mr. Higgins, 45, has had ITDM since 2003. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Higgins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Higgins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Indiana.

Raymond O. Hill

Mr. Hill, 23, has had ITDM since 2003. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hill understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hill meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

Peter M. Hluchaniuk

Mr. Hluchaniuk, 57, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hluchaniuk understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hluchaniuk meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Florida.

Phillip G. Hortin

Mr. Hortin, 54, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hortin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hortin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Robert C. Hosfelt

Mr. Hosfelt, 57, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hosfelt understands diabetes management and monitoring, has stable control of his diabetes using

insulin, and is able to drive a CMV safely. Mr. Hosfelt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Benjirman A. Hufstedler

Mr. Hufstedler, 33, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hufstedler understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hufstedler meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Nebraska.

Terry A. Jeralds

Mr. Jeralds, 57, has had ITDM since 2000. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Jeralds understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jeralds meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Illinois.

Nicholas L. Judd

Mr. Judd, 37, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Judd understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Judd meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Kansas.

Joseph Kohorst

Mr. Kohorst, 58, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Kohorst understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kohorst meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

Matthew J. Lacey, Sr.

Mr. Lacey, 56, has had ITDM since 1986. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Lacey understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lacey meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable proliferative diabetic retinopathy. He holds a Class A CDL from Illinois.

Douglas B. Lampela

Mr. Lampela, 54, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Lampela understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lampela meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Michigan.

Timothy Leroux

Mr. Leroux, 21, has had ITDM since 2001. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Leroux understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Leroux meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Massachusetts.

Robert A. Lukasavage

Mr. Lukasavage, 60, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Lukasavage understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lukasavage meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Elias Martinez-Medina

Mr. Martinez-Medina, 46, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance

of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Martinez-Medina understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Martinez-Medina meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Idaho.

Michael E. Maxcy

Mr. Maxcy, 68, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Maxcy understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Maxcy meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Mississippi.

Edwin P. McNamara

Mr. McNamara, 61, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. McNamara understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McNamara meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Dakota.

Barbara J. McNew

Ms. McNew, 60, has had ITDM since 2017. Her endocrinologist examined her in 2018 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. McNew understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. McNew meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2017 and certified that she does not have diabetic retinopathy. She holds a Class A CDL from Indiana.

William A. Mejia

Mr. Mejia, 37, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Mejia understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mejia meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

David L. Mitchell

Mr. Mitchell, 60, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Mitchell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mitchell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Ibrahim Moussa

Mr. Moussa, 61, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Moussa understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Moussa meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

Steven E. Nixon

Mr. Nixon, 69, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Nixon understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Nixon meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Colorado.

Kendrick D. Northan

Mr. Northan, 36, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Northan understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Northan meets the requirements of the vision standard at

49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Virginia.

Robert L. Pae, Jr.

Mr. Pae, 47, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Pae understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pae meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New Jersey.

James A. Parnell

Mr. Parnell, 38, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Parnell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Parnell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Carolina.

Tyler D. Pittsley

Mr. Pittsley, 26, has had ITDM since 2004. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Pittsley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pittsley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from North Dakota.

Austin L. Powell

Mr. Powell, 63, has had ITDM since 1998. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Powell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Powell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

Randolph L. Saunders

Mr. Saunders, 63, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Saunders understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Saunders meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Thomas J. Scholten

Mr. Scholten, 59, has had ITDM since 2012. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Scholten understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Scholten meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Michigan.

Gerod M. Scott

Mr. Scott, 44, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Scott understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Scott meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from South Carolina.

Patty A. Sealy

Ms. Sealy, 61, has had ITDM since 2017. Her endocrinologist examined her in 2017 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Sealy understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Sealy meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2017 and certified that she does not have diabetic retinopathy. She holds a Class A CDL from Alabama.

Elvin L. Shaum

Mr. Shaum, 71, has had ITDM since 2005. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or

more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Shaum understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Shaum meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Ohio.

Joseph A. Snyder

Mr. Snyder, 72, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Snyder understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Snyder meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Brandon T. Staebler

Mr. Staebler, 49, has had ITDM since 2014. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Staebler understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Staebler meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Oregon.

Max H. Swartz, Jr.

Mr. Swartz, 73, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Swartz understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Swartz meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Brian J. Tegeler

Mr. Tegeler, 56, has had ITDM since 1990. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Tegeler understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Tegeler meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Illinois.

Tony L. Tracy

Mr. Tracy, 44, has had ITDM since 2010. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Tracy understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Tracy meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Jonathan P. Tschannen

Mr. Tschannen, 36, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Tschannen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Tschannen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

Philip C. Vanderiet

Mr. Vanderiet, 39, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Vanderiet understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Vanderiet meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

David W. Vickmark

Mr. Vickmark, 57, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Vickmark understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Vickmark meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy.

He holds a Class A CDL from Minnesota.

Aaron A. Ward

Mr. Ward, 28, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Ward understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ward meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Illinois.

Jerry C. Ward

Mr. Ward, 21, has had ITDM since 2006. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Ward understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ward meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Louisiana.

Michael A. Wells

Mr. Wells, 45, has had ITDM since 1995. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Wells understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wells meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Georgia.

Kennie O. Williams

Ms. Williams, 43, has had ITDM since 2017. Her endocrinologist examined her in 2017 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Williams understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Williams meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2018 and certified that she does not have diabetic retinopathy. She holds an operator's license from North Carolina.

Robert V. Woodrup

Mr. Woodrup, 53, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Woodrup understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Woodrup meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

Joseph H. Woods

Mr. Woods, 40, has had ITDM since 1993. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Woods understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Woods meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable proliferative diabetic retinopathy. He holds an operator's license from Ohio.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0024 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0024 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: April 2, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–07181 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2017–0288]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 23 individuals from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on February 16, 2018. The exemptions expire on February 16, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On January 16, 2018, FMCSA published a notice announcing receipt of applications from 23 individuals requesting an exemption from diabetes requirement in 49 CFR 391.41(b)(3) and requested comments from the public (83 FR 2317). The public comment period ended on February 15, 2018, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on the program eligibility criteria and an individualized assessment of information submitted by each applicant. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the January 16, 2018 **Federal Register** notice (83 FR 2317) and will not be repeated in this notice.

These 23 applicants have had ITDM over a range of 1 to 35 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the past five years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keeping a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 23 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above:

Irah H. Buttgenbach, Jr. (IN)
Scott A. Civitarese (MA)

Cornelius Clark (OH)
Ronald J. Danielson (MN)
Mark A.L. Givan (AR)
Lyle C. Hatfield (MI)
Brian C. Hosea (OR)
James Middlebrook, III (OH)
Thomas B. Miller (VA)
Keith E. Moran (RI)
Christopher R. Pearson (MN)
John C. Plaster (IN)
Glenn E. Rausch (MD)
Ricardo P. Salazar (NM)
Seann D. Sampson (FL)
Alex Shirvani (NY)
Cameron M. Simpson (CA)
Phillip J. Sobczak (WI)
Christoph Trimblett (NJ)
Martin L. Veitz (PA)
Kenneth W. West (OH)
Rodney J. Woods (AL)
Timothy A. Zimmerman (IN)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Issued on: April 2, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–07203 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA–2014–0382; FMCSA–2015–0115; FMCSA–2015–0119]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for six individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on December 16, 2017. The exemptions expire on December 16, 2019.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, f*mcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On January 31, 2018, FMCSA published a notice announcing its decision to renew exemptions for six individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (83 FR 4546). The public comment period ended on March 2, 2018, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the six renewal exemption applications, FMCSA announces its' decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41 (b)(8):

Robert J. Forney (WI)

Curtis A. Hartman (MD)

Wendell F. Headley, Jr. (MO)

Michael W. Ketchum (MI)

Marion F. Legg, Jr. (MD)

Chance J. O'Mary (AK)

The drivers were included in docket numbers FMCSA–2014–0382; FMCSA–2015–0115; FMCSA–2015–0119. Their exemptions are applicable as of December 16, 2017, and will expire on December 16, 2019.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: April 2, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–07190 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0007]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 13 individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions will enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Comments must be received on or before May 9, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0007 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 13 individuals listed in this notice have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

In July 1992, the Agency first published the criteria for the Vision Waiver Program, which listed the conditions and reporting standards that CMV drivers approved for participation would need to meet (Qualification of Drivers; Vision Waivers, 57 FR 31458, July 16, 1992). The current Vision Exemption Program was established in 1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, 401 (June 9, 1998). Vision exemptions are considered under the procedures established in 49 CFR part 381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of 49 CFR 391.41(b)(10).

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past three years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrated the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates

and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used three consecutive years of data, comparing the experiences of drivers in the first two years with their experiences in the final year.

II. Qualifications of Applicants

Ahmed Abukhatwa

Mr. Abukhatwa, 25, has a prosthetic left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2017, his ophthalmologist stated, ''It is my medical opinion that Mr. Abukhatwa has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Abukhatwa reported that he has driven tractor-trailer combinations for three years, accumulating 240,000 miles. He holds a Class CA CDL from Michigan. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

James A. Barlow

Mr. Barlow, 61, has complete loss of vision in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2017, his optometrist stated, ''In my opinion, James has sufficient vision to operate a commercial vehicle with eyeglasses correction.'' Mr. Barlow reported that he has driven straight trucks for 30 years, accumulating 2.4 million miles, tractor-trailer combinations for five years, accumulating 125,000 miles. He holds a Class A CDL from Ohio. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Thomas R. Danser

Mr. Danser, 56, has optic nerve damage in his right eye due to a traumatic incident in 2012. The visual acuity in his right eye is 20/320, and in his left eye, 20/20. Following an examination in 2017, his optometrist stated, ''The tests indicate that Thomas is able to perform the task [sic] necessary to operate a commercial vehicle.'' Mr. Danser reported that he has driven straight trucks for one year, accumulating 25,000 miles, and tractor-trailer combinations for six years, accumulating 420,000 miles. He holds a Class A CDL from Pennsylvania. His driving record for the last three years shows no crashes and one conviction for a moving violation in a CMV; failure to obey a traffic signal.

Jerome DeFabo, Jr.

Mr. DeFabo, 47, has had central retinal artery occlusion in his left eye since 2016. The visual acuity in his right eye is 20/20, and in his left eye, 20/100. Following an examination in 2018, his optometrist stated, ''In my professional medical opinion Jerome has more than sufficient vision to perform the driving tasks to operate a commercial vehicle.'' Mr. DeFabo reported that he has driven straight trucks for 20 years, accumulating 50,000 miles. He holds a Class B CDL from Pennsylvania. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Jorge Gonzalez

Mr. Gonzalez, 50, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2017, his ophthalmologist stated, ''He has sufficient vision to operate any commercial vehicle; he is fully capable of recognizing all the colors of traffic control signals.'' Mr. Gonzalez reported that he has driven tractor-trailer combinations for 20 years, accumulating 1.4 million miles. He holds a Class A CDL from Florida. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Jimmy D. Johnson

Mr. Johnson, 64, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/25. Following an examination in 2017, his optometrist stated, ''Based on the above, Mr. Johnson has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Johnson reported that he has driven tractor-trailer combinations for 22 years, accumulating 2.86 million miles. He holds an operator's license from Mississippi. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Michael S. Mai

Mr. Mai, 47, has complete loss of vision in his left eye due to a traumatic incident in 2011. The visual acuity in his right eye is 20/15, and in his left eye, no light perception. Following an examination in 2017, his optometrist stated, ''In my medical opinion, Michael has sufficient vision, with a best corrected acuity of 20/15 and sufficient field of vision with 135°, to perform the driving tasks required to operate a commercial vehicle; however, ultimately this decision has to be made by the CDL examiner based on the above information provided.'' Mr. Mai reported that he has driven straight trucks for 23 years, accumulating 851,000 miles, tractor-trailer combinations for 23 years, accumulating 460,000 miles, and buses for 15 years, accumulating 30,000 miles. He holds a Class A CDL from Kansas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Jose M. Rios

Mr. Rios, 50, has complete loss of vision in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2017, his ophthalmologist stated, ''Mr. Rios vision is sufficient enough for him to be able to operate a commercial vehicle.'' Mr. Rios reported that he has driven straight trucks for four years, accumulating 26,000 miles. He holds an operator's license from New York. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Michael B. Sauseda

Mr. Sauseda, 46, has had a central vein occlusion in his right eye since 2008. The visual acuity in his right eye is 20/125, and in his left eye, 20/20. Following an examination in 2018, his ophthalmologist stated, ''In my opinion, this patient does have sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Sauseda reported that he has driven straight trucks for two years, accumulating 30,000 miles, and tractor-trailer combinations for 15 years, accumulating 720,000 miles. He holds a

Class A CDL from Illinois. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Steven D. Schlichting

Mr. Schlichting, 54, has had a retinal scar in his right eye since birth. The visual acuity in his right eye is 20/150, and in his left eye, 20/20. Following an examination in 2017, his optometrist stated, ''Mr. Schlichting has the necessary vision to drive a commercial vehicle.'' Mr. Schlichting reported that he has driven straight trucks for 16 years, accumulating 80,000 miles. He holds an operator's license from Nebraska. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Jesse P. Schuster

Mr. Schuster, 41, has a scleral laceration in his left eye due to a traumatic incident in 2013. The visual acuity in his right eye is 20/20, and in his left eye, light perception. Following an examination in 2017, his optometrist stated, ''He has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Schuster reported that he has driven straight trucks for 21 years, accumulating 84,000 miles. He holds a Class B CDL from North Dakota. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Joseph L. Smith

Mr. Smith, 48, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is count fingers, and in his left eye, 20/20. Following an examination in 2017, his optometrist stated, ''In my opinion, Mr. Joseph Smith still maintains sufficient vision to operate a commercial motor vehicle.'' Mr. Smith reported that he has driven straight trucks for five years, accumulating 7,500 miles, and tractor-trailer combinations for 24 years, accumulating 2.88 million miles. He holds a Class A CDL from West Virginia. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Larry L. Stewart

Mr. Stewart, 51, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/80, and in his left eye, 20/20. Following an examination in 2017, his optometrist stated, ''I believe based on the field and visual acuity, Mr. Stewart has vision sufficient to operate a commercial vehicle.'' Mr. Stewart reported that he has driven tractor-trailer combinations for three years, accumulating 210,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments and material received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0007 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0007 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: April 2, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–07186 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0008]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 17 individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions will enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Comments must be received on or before May 9, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0008 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or

Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 17 individuals listed in this notice have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

In July 1992, the Agency first published the criteria for the Vision Waiver Program, which listed the conditions and reporting standards that CMV drivers approved for participation would need to meet (Qualification of Drivers; Vision Waivers, 57 FR 31458, July 16, 1992). The current Vision Exemption Program was established in 1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, 401 (June 9, 1998). Vision exemptions are considered under the procedures established in 49 CFR part 381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of 49 CFR 391.41(b)(10).

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past three years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrated the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used three consecutive years of data, comparing the experiences of drivers in the first two years with their experiences in the final year.

II. Qualifications of Applicants

Leobardo Antunez

Mr. Antunez, 66, has had a macular cyst in his left eye since 2000. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2018, his optometrist stated, ''In my professional/medical opinion, Leobardo has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Antunez reported that he has driven tractor-trailer combinations for 17 years, accumulating 1 million miles. He holds a Class A CDL from Washington. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Jason P. Dostal

Mr. Dostal, 49, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/80. Following an examination in 2017, his optometrist stated, ''Has sufficient vision to operate a commercial vehicle.'' Mr. Dostal reported that he has driven straight trucks for seven years, accumulating 182,000 miles. He holds a Class A CDL from Indiana. His driving record for the last three years shows no crashes and no

convictions for moving violations in a CMV.

John C. Duncan

Mr. Duncan, 68, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2017, his ophthalmologist stated, ''In my medical opinion, Mr. John Duncan has the sufficient vision to perform the driving tasks required to operate a commercial vehicle land or water.'' Mr. Duncan reported that he has driven straight trucks for 43 years, accumulating 64,500 miles, tractor-trailer combinations for five years, accumulating 15,000 miles, and buses for 24 years, accumulating 48,000 miles. He holds a Class BM CDL from New York. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Kenneth M. Emerson

Mr. Emerson, 66, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2017, his optometrist stated, ''Kenneth has adequate vision to drive a commercial vehicle.'' Mr. Emerson reported that he has driven straight trucks for seven years, accumulating 700,000 miles. He holds an operator's license from Idaho. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Michael C. Farley

Mr. Farley, 62, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/160, and in his left eye, 20/20. Following an examination in 2017, his optometrist stated, ''In my medical opinion he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Farley reported that he has driven tractor-trailer combinations for seven years, accumulating 700,000 miles. He holds a Class A CDL from Florida. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Steven W. Kyman

Mr. Kyman, 58, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/60, and in his left eye, 20/20. Following an examination in 2017, his optometrist stated, ''Nothing in our vision testing indicates Mr. Kyman should not continue to possess a CDL and drive a commercial vehicle.'' Mr. Kyman reported that he has driven tractor-trailer combinations for 14 years, accumulating 1.68 million miles. He holds a Class A CDL from Oregon. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Jeffrey T. Landry

Mr. Landry, 53, has had optic neuropathy in his left eye since 2015. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2017, his ophthalmologist stated, ''He has sufficient vision in his right eye to operate a commercial vehicle, and has been successfully over the last [two] years per his report.'' Mr. Landry reported that he has driven straight trucks for four years, accumulating 48,000 miles, and tractor-trailer combinations for 32 years, accumulating 3.8 million miles. He holds a Class A CDL from North Carolina. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

David A. Margetson

Mr. Margetson, 39, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/50, and in his left eye, 20/20. Following an examination in 2017, his optometrist stated, ''In my opinion, there is no concern for him to operate a commercial vehicle due to his vision'' Mr. Margetson reported that he has driven straight trucks for 11 years, accumulating 215,644 miles. He holds an operator's license from Michigan. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Trent C. McCain

Mr. McCain, 41, has had retinopathy in his right eye since birth. The visual acuity in his right eye is 20/400, and in his left eye, 20/30. Following an examination in 2017, his optometrist stated, ''In my medical opinion, Trent McCain has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. McCain reported that he has driven straight trucks for 28 years, accumulating 28,000 miles, and tractor-trailer combinations for 17 years, accumulating 1.44 million miles. He holds a Class A CDL from Kansas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

David M. McCarty

Mr. McCarty, 51, has a corneal scar in his left eye due to a traumatic incident in 1986. The visual acuity in his right eye is 20/20, and in his left eye, light perception. Following an examination in 2017, his optometrist stated, ''My medical opinion is that David has sufficient vision to operate commercial vehicles.'' Mr. McCarty reported that he has driven straight trucks for 28 years, accumulating 420,000 miles, and tractor-trailer combinations for 28 years, accumulating 420,000 miles. He holds a Class A CDL from Oregon. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Jeffrey W. Pike, Jr.

Mr. Pike, 41, has a cataract in his right eye due to a traumatic incident in childhood. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''In my opinion he has sufficient vision to perform driving tasks required to operate a commercial vehicle and has done so successfully for many years.'' Mr. Pike reported that he has driven straight trucks for 25 years, accumulating 250,000 miles, and tractor-trailer combinations for 23 years, accumulating 1.8 million miles. He holds a Class A CDL from Minnesota. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Jess C. Sanchez

Mr. Sanchez, 44, has had retinal ischemia in his left eye due to lupus since 2007. The visual acuity in his right eye is 20/15, and in his left eye, no light perception. Following an examination in 2017, his ophthalmologist stated, ''From a visual perspective, he has adequate vision to perform driving test required to operate a commercial vehicle.'' Mr. Sanchez reported that he has driven tractor-trailer combinations for 29 years, accumulating 1.7 million miles. He holds a Class A CDL from Texas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Ermanno M. Santucci

Mr. Santucci, 39, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2017, his optometrist stated, ''Patient has sufficient vision to perform driving tasks and drive a commercial vehicle.'' Mr. Santucci reported that he has driven straight trucks for five years, accumulating 135,150 miles. He holds a Class B CDL

from Illinois. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

John R.A.Taylor

Mr. Taylor, 67, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2017, his optometrist stated, ''I certify that in my professional opinion, John R. A. Taylor has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Taylor reported that he has driven straight trucks for 20 years, accumulating 300,000 miles. He holds a Class B CDL from Virginia. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Justin L. Tidyman

Mr. Tidyman, 35, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/25. Following an examination in 2018, his optometrist stated, ''I feel that My. *[sic]* Tidyman has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Tidyman reported that he has driven straight trucks for 20 years, accumulating 1.4 million miles, and tractor-trailer combinations for seven years, accumulating 140,000 miles. He holds a Class A CDL from Arkansas. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Raul Torres Malaga

Mr. Torres Malaga, 60, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/60, and in his left eye, 20/20. Following an examination in 2017, his optometrist stated, ''Upon completing the eye exam, I find Mr. Torres visually capable to operate a motor vehicle of any kind, including commercial vehicles.'' Mr. Torres Malaga reported that he has driven straight trucks for one year, accumulating 9,100 miles, and tractor-trailer combinations for three years, accumulating 60,900 miles. He holds a Class A CDL from Florida. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Timothy L. Tucker

Mr. Tucker, 46, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2017, his optometrist stated, ''Patient, Tim Tucker, should be allowed to operate a commercial vehicle with no restrictions with respect to his visual status.'' Mr. Tucker reported that he has driven straight trucks for 15 years, accumulating 465,000 miles. He holds an operator's license from Kentucky. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments and material received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0008 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0008 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: April 2, 2018

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–07187 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2017–0286]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 40 individuals from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on February 16, 2018. The exemptions expire on February 16, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter

provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On January 16, 2018, FMCSA published a notice announcing receipt of applications from 40 individuals requesting an exemption from diabetes requirement in 49 CFR 391.41(b)(3) and requested comments from the public (83 FR 2283). The public comment period ended on February 15, 2018, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on the program eligibility criteria and an individualized assessment of information submitted by each applicant. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the January 16, 2018, **Federal Register** notice (83 FR 2283) and will not be repeated in this notice.

These 40 applicants have had ITDM over a range of one to 24 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the past five years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keeping a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 40 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above:

Kyle A. Bernard (PA)
Zachary R. Brigham (SC)
Kenneth D. Chitwood (PA)
Tony M. Damesworth (TN)
Walter Dudiak (PA)
Mark T. Feldmann (KY)
John H. Fritz (IN)
Scott T. Fry (CO)
Richard E. Henderson (AZ)
Leah M. Hennes (MN)
Gerard M. Hubert (MA)
Gregory L. Humphrey (IL)
Parkinson B. James (NY)
John M. Jessup (MI)
Kevin A. Kirker (WI)
Ryan A. Knutson (SD)
Benjamin T. Lamoreaux (FL)
Joseph W. Latawiec (MN)
Tommy Leyva (CA)
Melvin Lumpkins, III (LA)
Craig E. Lynn (GA)
Charles E. Madenford, III (PA)
David R. Meddows (IL)
Kevin L. Miller (PA)
Charles A. Moerer (IN)
Cirilo M. Nunez (NJ)
LaVonda B. Pearson (NC)
Andrea N. Pressley (NJ)
Darby J. Russo (LA)
Gary S. Schreiner (FL)
Nicholas A. Scialanca (PA)
Robert C. Scott (WI)
Thermond D. Smith (IL)
Edward D. Smith (NE)
Jeffrey W. Stamper (MO)
Wayne R. Steffler (NY)
Thomas J. Stylc (PA)
Todd A. Vanwinkle (NE)
Jacob W. Williams (PA)
Kevin A. Wiswell (ME)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Issued on: April 2, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–07206 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0270]

Hours of Service of Drivers: National Tank Truck Carriers and Massachusetts Motor Transportation Association; Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its decision to grant the application of the National Tank Truck Carriers, Inc. (NTTC) and the Massachusetts Motor Transport Association, Inc. (MMTA) for an exemption from the requirement that drivers of commercial motor vehicles (CMVs) obtain a 30-minute rest break. The exemption is limited to CMV drivers engaged in the transportation of specified types of petroleum-based fuels who would otherwise have to observe the rest break when their duty day unexpectedly exceeds 12 hours. FMCSA has analyzed the exemption application and public comments and has determined that the exemption, subject to the terms and conditions imposed, will achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

DATES: The exemption is effective April 9, 2018 and expires on April 10, 2023.

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, please contact Mr. Buz Schultz, FMCSA Driver and Carrier Operations Division; Telephone: (202) 366–2718; Email: *Buz.Schultz@dot.gov.*

SUPPLEMENTARY INFORMATION:

Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Background

The Agency's hours of service (HOS) rules require most interstate drivers to maintain a record of duty status (RODS), or log, on board the CMV in accordance with 49 CFR part 395. However, the ''100 air-mile radius exception'' relieves CMV drivers of the duty to maintain a log if they remain within a 100 air-mile radius of the normal work reporting location during the duty day and return to the work-reporting location and are released from work within 12 hours (49 CFR 395.1(e)(1)). Further, drivers qualifying for the 100 air-mile exception are not subject to the 30-minute rest break requirement of HOS regulations (49 CFR 395.3(a)(3)(ii)).

Request for Exemption

NTTC and MMTA applied for an exemption from the 30-minute rest break provision on behalf of motor carriers and drivers operating tank trucks to transport certain petroleum-based products in interstate commerce. The tank trucks are normally loaded with products in the morning, and deliver the products to three or more service stations during the remainder of the duty day. Most of the estimated 38,000 vehicles engaged in such transportation each day qualify for the 100 air-mile radius exception, but on rare occasions, they do not. Circumstances beyond the control of the motor carrier and driver periodically cause delays in the delivery schedule. The applicants outlined the concerns they have with interrupting delivery of hazardous materials (HM) in order for the driver to take the required 30-minute rest break. For instance, as a security measure, a motor carrier may require that a tank truck transporting certain fuels be attended by the driver when the vehicle is stopped, and a driver attending a CMV is not considered off duty as required by the rest-break rule. Attendance is not required by regulation except for transporters of certain explosives [49 CFR 395.1(q)].

Public Comments

On September 26, 2017, FMCSA published notice of the application for exemption and asked for public comment (82 FR 44871). The Agency received nine comments from the public, four in favor of the application and five in opposition. The American Trucking Associations was in favor, citing the similarity of these operations to other HM transporters that previously were granted a more-limited exemption from the rest-break requirement. The Transportation Trades Department (AFL–CIO) and the International Association of Firefighters opposed the NTTC application. They believe that allowing these drivers to operate CMVs without a rest break imposes unnecessary risks upon the motoring public. They believe that the risks outweigh the difficulties inherent in tank truck drivers going off duty for 30 consecutive minutes.

FMCSA Decision

FMCSA has evaluated the application for an exemption and the public comments submitted. Few comments opposed the application and none directly addressed the regulatory difficulties confronted by tank-truck carriers and drivers transporting these petroleum-based fuels. The Agency finds the arguments in favor of the exemption persuasive and grants a limited exemption that the Agency can review at any time the safety performance of these operations requires. We have tailored the terms and conditions of the exemption carefully to relieve the regulatory difficulties without opening the door to abuse of the HOS rules.

FMCSA grants this exemption because it finds that the level of safety achieved by this industry operating under the terms and conditions of the exemption, would be equal to, or greater than, the level of safety that would be achieved if the drivers were required to take the rest break. These drivers receive several short ''breaks'' each day when they unload product at service stations. While the exemption will allow these drivers to operate beyond the 12th hour, they will still have to complete their duty day before the 14-hour limit by which most CMV drivers are governed. In addition, these drivers will be required to maintain an HOS log in accordance with 49 CFR part 395, as required of all CMV drivers who find during a duty day that they are not qualified for the 100 air-mile radius exception.

Terms and Conditions of the Exemption

1. This exemption from the requirements of 49 CFR 395.3(a)(3)(ii) is granted for the period from April 9, 2018 through April 10, 2023.

2. This exemption applies when a driver who normally operates under the 49 CFR 395.1(e)(1) short-haul exception finds that operational issues require him or her to exceed the 12-hour limit of that exception. Drivers operating under this exemption must, however, return to their work reporting location and be released from duty within 14 hours of having come on duty following 10 or more consecutive hours off duty.

3. This exemption is limited to motor carriers and drivers engaged in the transportation of the following petroleum products: U.N. 1170—Ethanol, U.N. 1202—Diesel Fuel, U.N. 1203—Gasoline, U.N. 1863—Fuel, aviation, turbine engine, U.N. 1993—Flammable liquids, n.o.s. (gasoline), U.N. 3475—Ethanol and gasoline mixture, Ethanol and motor spirit mixture, or Ethanol and petrol mixture, and N.A. 1993—Diesel Fuel or Fuel Oil.

4. This exemption is further limited to motor carriers that have an FMCSA ''satisfactory'' safety rating or are ''unrated''; motor carriers with ''conditional'' or ''unsatisfactory'' safety ratings are prohibited from utilizing this exemption.

5. Drivers must have a copy of this exemption document in their possession while operating under the terms of the exemption and must present it to law enforcement officials upon request.

Accident Reporting

Exempt motor carriers must notify FMCSA by email addressed to *MCPSD@DOT.GOV* within 5 business days of any accident (as defined in 49 CFR 390.5T) that occurs while its driver is operating under the terms of this exemption. The notification must include:

a. Identifier of the Exemption: ''NTTC,''

b. Name of operating carrier and USDOT number,

c. Date of the accident,

d. City or town, and State, in which the accident occurred, or closest to the accident scene,

e. Driver's name and license number,

f. Name of co-driver, if any, and license number,

g. Vehicle number and state license number,

h. Number of individuals suffering physical injury,

i. Number of fatalities,

j. The police-reported cause of the accident,

k. Whether the driver was cited for violation of any traffic laws or motor carrier safety regulations, and

l. The total driving time and total on-duty time prior to the accident.

Safety Oversight

FMCSA expects the motor carriers and drivers operating under the terms and conditions of this exemption to maintain their safety record. However, should safety deteriorate, FMCSA will, consistent with the statutory requirements of 49 U.S.C. 31315, take all steps necessary to protect the public interest. Authorization of the exemption is discretionary, and FMCSA will immediately revoke the exemption of any motor carrier or driver for failure to comply with the terms and conditions of the exemption.

Preemption

Consistent with 49 U.S.C. 31315(d), this exemption preempts inconsistent State or local requirements applicable to interstate commerce.

Issued on: March 30, 2018.

Cathy F. Gautreaux,

Deputy Administrator.

[FR Doc. 2018–07189 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0004]

Agency Information Collection Activities; Renewal of a Currently-Approved Information Collection Request: Application for Certificate of Registration for Foreign Motor Carriers and Foreign Motor Private Carriers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for information.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its renewal. The FMCSA requests to renew the ICR titled, ''Application for Certificate of Registration for Foreign Motor Carriers and Foreign Motor Private Carriers,'' that requires foreign (Mexico-based) for-hire and private motor carriers to file an application Form OP–2 if they wish to register to transport property only within municipalities in the United States on the U.S.-Mexico international borders or within the commercial zones of such municipalities. FMCSA invites public comment on the ICR.

DATES: We must receive your comments on or before *June 8, 2018.*

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2018–0004 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement for the Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdfE8-794.pdf.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement

page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Ms. Fiorella Herrera, Transportation Specialist, Office of Information Technology, IT Operations Division, Department of Transportation, Federal Motor Carrier Safety Administration, 6th Floor, West Building, 1200 New Jersey Ave., SE, Washington DC 20590. Telephone Number: (202) 366–0376; Email Address: *fiorella.herrera@dot.gov.* Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Background: Title 49 U.S.C. 13902(c) contains basic licensing procedures for registering foreign (Mexico-based) motor carriers to operate across the U.S.-Mexico international border into the United States. 49 CFR part 368 contains the regulations that require foreign (Mexico-based) motor carriers to apply to the FMCSA for a Certificate of Registration to provide interstate transportation in municipalities in the United States on the U.S.-Mexico international border or within the commercial zones of such municipalities as defined in 49 U.S.C. 13902(c)(4)(A). The FMCSA carries out this registration program under authority delegated by the Secretary of Transportation.

Foreign (Mexico-based) motor carriers use Form OP–2 to apply for Certificate of Registration authority with the FMCSA. The form requests information on the foreign motor carrier's name, address, U.S. DOT Number, form of business (*e.g.,* corporation, sole proprietorship, partnership), locations where the applicant plans to operate, types of registration requested (*e.g.,* for-hire motor carrier, household goods carrier, motor private carrier), insurance, safety certifications, household goods arbitration certifications, and compliance certifications.

Title: Application for Certificate of Registration for Foreign Motor Carriers and Foreign Motor Private Carriers.

OMB Control Number: 2126–0019.

Type of Request: Renewal of a currently-approved information collection.

Respondents: Foreign motor carriers and commercial motor vehicle drivers.

Estimated Number of Respondents: 440.

Estimated Time per Response: 4 hours to complete Form OP–2.

Expiration Date: October 31, 2018.

Frequency of Response: Occasionally.

Estimated Total Annual Burden: 1,760 hours [440 responses × 4 hours to complete Form OP–2].

PUBLIC COMMENTS INVITED: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: April 2, 2018.

Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2018–07180 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–5578; FMCSA–1999–5748; FMCSA–2001–9258; FMCSA–2001–10578; FMCSA–2002–11426; FMCSA–2002–12844; FMCSA–2003–15892; FMCSA–2003–16241; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2007–27897; FMCSA–2008–0231; FMCSA–2009–0054; FMCSA–2009–0154; FMCSA–2009–0206; FMCSA–2011–0092; FMCSA–2011–0124; FMCSA–2011–0142; FMCSA–2011–0276; FMCSA–2011–26690; FMCSA–2013–0025; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2014–0303; FMCSA–2015–0055; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 109 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http//www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On January 16, 2018, FMCSA published a notice announcing its decision to renew exemptions for 109 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (83 FR 2306). The public comment period ended on February 15, 2018, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is

physically qualified to driver a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this preceding.

VI. Conclusion

Based upon its evaluation of the 109 renewal exemption applications and comments received, FMCSA confirms its' decision to exempt the following drivers from the vision requirement in 49 CFR 391.41 (b)(10):

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of December and are discussed below:

As of December 3, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 48 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 40404; 64 FR 66962; 66 FR 17743; 66 FR 33990; 66 FR 63289; 67 FR 68719; 68 FR 2629; 68 FR 35772; 68 FR 52811; 68 FR 61860; 68 FR 64944; 70 FR 33937; 70 FR 48797; 70 FR 61165; 70 FR 61493; 70 FR 67776; 72 FR 39879; 72 FR 40360; 72 FR 52419; 72 FR 64273; 73 FR 46973; 73 FR 54888; 74 FR 11988; 74 FR 21427; 74 FR 34632; 74 FR 37295; 74 FR 41971; 74 FR 48343; 74 FR 53581; 74 FR 62632; 76 FR 25766; 76 FR 29026; 76 FR 34136; 76 FR 37885; 76 FR 44652; 76 FR 49531; 76 FR 53708; 76 FR 54530; 76 FR 55463; 76 FR 64171; 76 FR 70215; 78 FR 20376; 78 FR 24798; 78 FR 27281; 78 FR 30954; 78 FR 34141; 78 FR 34143; 78 FR 37270; 78 FR 41188; 78 FR 41975; 78 FR 46407; 78 FR 47818; 78 FR 52602; 78 FR 56986; 78 FR 63307; 78 FR 64280; 78 FR 68137; 78 FR 77782; 78 FR 78477; 79 FR 4531; 80 FR 14240; 80 FR 31640; 80 FR 33007; 80 FR 33324; 80 FR 37718; 80 FR 44185; 80 FR 44188; 80 FR 48402; 80 FR 48411; 80 FR 50917; 80 FR 59225; 80 FR 59230; 80 FR 62161; 80 FR 63869; 80 FR 67472; 80 FR 67476; 81 FR 11642; 81 FR 1284; 81 FR 15404):

Charles R. Airey (MD)
Thomas E. Adams (IN)
Christopher L. Bagby (VA)
Joseph A. Batista (PA)
Rickie L. Boone (NC)
Jerry A. Bordelon (LA)
Timothy V. Burke (CO)
Wescott Clarke (MA)
Gene B. Clyde (NY)
Joseph Coelho (RI)
Duane C. Conway (NV)
William J. Corder (NC)
Jose C. Costa (WA)
Jon K. Dale (UT)
Thomas P. Davidson (NJ)
Elhadji M. Faye (CA)
Jason R. Gast (MO)
Edward J. Genovese (IN)
Nirmal S. Gill (CA)
Roger J. Hansen (WI)
Bradley O. Hart (UT)
Dean M. Hobson (IL)
Jesus J. Huerta (NV)
Elmer G. Isenhart (OH)
Nathan H. Jacobs (NM)
Donald L. Jensen (SD)
Darrell W. Knorr (IL)
Dale R. Knuppel (CO)
Carmelo A. Lana (NJ)
Michael Lancette (WI)
Keith A. Lang (TX)
Larry W. Lunde (WA)
Rodney M. Mimbs (GA)
Michael A. Mitchell (MS)
Dennis L. Morgan (WA)
Clarence L. Ogle (SD)
Dennis R. Ohl (MO)
James A. Parker (PA)
Chris A. Ritenour (MI)
Danilo A. Rivera (MD)
Steven L. Roberts (AR)
Michael J. Schmelzle (KS)
Ralph J. Schmitt (CO)
Wesley C. Slattery (KS)
Mark R. Stevens (IA)
Gerry W. Talbott (VA)
Daniel R. Viscaya (NC)
Paul B. Williams (NY)

The drivers were included in docket numbers FMCSA–1999–5748; FMCSA–2001–9258; FMCSA–2002–12844; FMCSA–2003–15892; FMCSA–2005–21711; FMCSA–2007–27897; FMCSA–2008–0231; FMCSA–2009–0054; FMCSA–2009–0154; FMCSA–2011–0092; FMCSA–2011–0124; FMCSA–2013–0025; FMCSA–2013–0027; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0030; FMCSA–2013–0165; FMCSA–2014–0303; FMCSA–2015–0055; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0071. Their exemptions are applicable as of December 3, 2017, and will expire on December 3, 2019.

As of December 5, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (66 FR 17743; 66 FR 33990; 68 FR 35772; 70 FR 33937; 72 FR 32705; 74 FR 26464; 74 FR 43217; 74 FR 57551; 76 FR 34135; 76 FR 64169; 76 FR 66123; 76 FR 75943; 78 FR 62935; 78 FR 65032; 78 FR 76395; 78 FR 77782; 80 FR 67481):

Kevin G. Clem (SD)
Rocky J. Lachney (LA)
Chase L. Larson (WA)
Herman G. Lovell (OR)
Robert E. Smith (CT)
Fred L. Stotts (OK)
Randell K. Tyler (AL)

The drivers were included in docket numbers FMCSA–2001–9258; FMCSA–2009–0206; FMCSA–2011–26690; FMCSA–2013–0166. Their exemptions are applicable as of December 5, 2017, and will expire on December 5, 2019.

As of December 6, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (70 FR 57353; 70 FR 72689; 72 FR 62897; 74 FR 60021; 76 FR 70210; 78 FR 66099; 80 FR 67481):

Thomas C. Meadows (NC)
David A. Morris (TX)
Richard P. Stanley (MA)
Scott A. Tetter (IL)

The drivers were included in docket number FMCSA–2005–22194. Their exemptions are applicable as of December 6, 2017, and will expire on December 6, 2019.

As of December 15, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 70060; 81 FR 16265):

Stephen W. Barrows (OR)
Charles W. Bradley (SC)
Ricky A. Bray (AR)
Jerry W. Gibson (TX)
Michael D. Judy (KS)
Joel H. Kohagen (IA)
Kelly K. Kremer (OR)
Edward R. Lockhart (MS)
Rodolfo Martinez (TX)
Tobias G.E. Olsen (ND)
Gregory A. Woodward (OR)
Alton R. Young (MS)

The drivers were included in docket number FMCSA–2015–0072. Their exemptions are applicable as of December 15, 2017, and will expire on December 15, 2019.

As of December 17, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for

interstate CMV drivers (78 FR 62935; 78 FR 76395; 80 FR 67481): Herbert R. Brenner, (ME); Henry D. Smith, (NC); Kolby W. Strickland, (WA).

The drivers were included in docket number FMCSA–2013–0166. Their exemptions are applicable as of December 17, 2017, and will expire on December 17, 2019.

As of December 22, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 49528; 76 FR 61143; 76 FR 67248; 76 FR 79761; 78 FR 67460; 80 FR 67481): Robert E. Morgan, Jr. (GA), David M. Taylor (MO).

The drivers were included in docket numbers FMCSA–2011–0142; FMCSA–2011–0276. Their exemptions are applicable as of December 22, 2017, and will expire on December 22, 2019.

As of December 24, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 16 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 63302; 78 FR 64274; 78 FR 77778; 78 FR 77780; 80 FR 67481):

Lawrence A. Angle (MO)
Ernest J. Bachman (PA)
Wayne Barker (OK)
Eugene R. Briggs (MI)
Matthew S. Burns (OH)
Lee A. DeHaan (SD)
Bradley R. Dishman (KY)
Thomas G. Gholston (MS)
Chad A. Miller (IA)
William L. Paschall (MD)
Kerry R. Powers (IN)
Eugene D. Self, Jr. (NC)
Mark P. Thiboutot (NH)
Robert Thomas (PA)
Herman D. Truewell (FL)
Janusz K. Wis (IL)

The drivers were included in docket numbers FMCSA–2013–0168; FMCSA–2013–0169. Their exemptions are applicable as of December 24, 2017, and will expire on December 24, 2019.

As of December 27, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 27027; 64 FR 51568; 66 FR 53826; 66 FR 63289; 66 FR 66966; 67 FR 10471; 67 FR 19798; 68 FR 64944; 68 FR 69434; 69 FR 19611; 70 FR 48797; 70 FR 53412; 70 FR 57353; 70 FR 61493; 70 FR 67776; 70 FR 72689; 70 FR 74102; 74 FR 37295; 74 FR 48343; 74 FR 60021; 76 FR 75942; 78 FR 67452; 80 FR 67481):

Stanley E. Elliott (UT)
Elmer E. Gockley (PA)
Glenn T. Hehner (KY)
Vladimir M. Kats (NC)
Randall B. Laminack (TX)
Robert W. Lantis (MT)
Jerry L. Lord (PA)
Eldon Miles (IN)
Neal A. Richard (LA)
Rene R. Trachsel (OR)
Stanley W. Tyler, Jr. (NC)
Kendle F. Waggle, Jr. (IN)
DeWayne Washington (NC)

The drivers were included in docket numbers FMCSA–1999–5578; FMCSA–2001–10578; FMCSA–2002–11426; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2009–0154. Their exemptions are applicable as of December 27, 2017, and will expire on December 27, 2019.

As of December 31, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (66 FR 53826; 66 FR 66966; 68 FR 61857; 68 FR 69434; 68 FR 75715; 70 FR 74102; 71 FR 646; 72 FR 71993; 72 FR 71998; 74 FR 65846; 76 FR 78729; 78 FR 67454; 78 FR 67462; 79 FR 4803; 80 FR 67481):

Martiniano L. Espinosa (FL)
Dustin K. Heimbach (PA)
Lonni Lomax, Jr. (IL)
John H. Voigts (AZ)

The drivers were included in docket numbers FMCSA–2001–10578; FMCSA–2003–16241; FMCSA–2013–0170. Their exemptions are applicable as of December 31, 2017, and will expire on December 31, 2019.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: April 2, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–07182 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0023]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 46 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) operating a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before May 9, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0023 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day e.t., 365 days each year. If you want

acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 46 individuals listed in this notice have requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population.

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441). The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305). Section 4129 requires: (1) Elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the three-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136 (e). Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003, notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003, notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

II. Qualifications of Applicants

Mark G. Albertson

Mr. Albertson, 54, has had ITDM since 2011. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Albertson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Albertson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from New York.

Duane L. Barrett

Mr. Barrett, 48, has had ITDM since 1990. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Barrett understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Barrett meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Alabama.

Marvin L. Bodey

Mr. Bodey, 54, has had ITDM since 1992. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Bodey understands diabetes management and monitoring,

has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bodey meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

Kevin A. Cardona

Mr. Cardona, 22, has had ITDM since 2002. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Cardona understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cardona meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from New York.

James W. Carlson

Mr. Carlson, 58, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Carlson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Carlson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Kyle E. Caswell

Mr. Caswell, 41, has had ITDM since 2009. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Caswell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Caswell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Massachusetts.

Nathaniel W. Curry

Mr. Curry, 34, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Curry understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Curry meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

Henry H. Daugherty

Mr. Daugherty, 66, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Daugherty understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Daugherty meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Victor D. Davis

Mr. Davis, 49, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Davis understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Davis meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Delaware.

Todd E. Dawson

Mr. Dawson, 56, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Dawson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dawson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Michigan.

James A. Denmark

Mr. Denmark, 39, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Denmark understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Denmark meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Georgia.

John V. Dobrowski

Mr. Dobrowski, 47, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic

reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Dobrowski understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dobrowski meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Hampshire.

Michael W. Driggers

Mr. Driggers, 56, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Driggers understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Driggers meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Carolina.

Michael J. Duffey

Mr. Duffey, 26, has had ITDM since 2005. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Duffey understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Duffey meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Virginia.

Timothy L. Ebbers

Mr. Ebbers, 55, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Ebbers understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ebbers meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Alfred K. Estes

Mr. Estes, 53, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Estes understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Estes meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Travis L. Gelbrich

Mr. Gelbrich, 44, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gelbrich understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gelbrich meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oregon.

Wyllshaun A. Gipson

Mr. Gipson, 34, has had ITDM since 1998. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gipson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gipson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Maine.

Adam K. Graham

Mr. Graham, 49, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Graham understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Graham meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

Nicholas D. Haggerty

Mr. Haggerty, 33, has had ITDM since 2003. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Haggerty understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Haggerty meets the requirements of the vision standard at

49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from West Virginia.

John A. Hayes

Mr. Hayes, 57, has had ITDM since 2008. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hayes understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hayes meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

Dennis R. Henry

Mr. Henry, 30, has had ITDM since 2014. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Henry understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Henry meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

Kenneth R. Henry

Mr. Henry, 50, has had ITDM since 2000. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Henry understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Henry meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Texas.

Robert T. Holcombe

Mr. Holcombe, 53, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Holcombe understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Holcombe meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Tennessee.

Richard P. Houle

Mr. Houle, 61, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Houle understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Houle meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Daniel S. Howell

Mr. Howell, 38, has had ITDM since 2009. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Howell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Howell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Christopher S. Justice

Mr. Justice, 34, has had ITDM since 1991. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Justice understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Justice meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from North Carolina.

William T. Kribell

Mr. Kribell, 68, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Kribell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kribell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Dakota.

Jason A. Lantz

Mr. Lantz, 43, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or

resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Lantz understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lantz meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Dennis A. Lightbown

Mr. Lightbown, 70, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Lightbown understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lightbown meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Colorado.

Anthony L. Maita

Mr. Maita, 71, has had ITDM since 2004. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Maita understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Maita meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Robert M. Matthies

Mr. Matthies, 54, has had ITDM since 2008. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Matthies understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Matthies meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Massachusetts.

James J.P. May

Mr. May, 39, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. May understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. May meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from California.

Dale H.N. McCann

Mr. McCann, 61, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. McCann understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McCann meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

James L. Morgan, Jr.

Mr. Morgan, 41, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Morgan understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Morgan meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

William L. Nicklas

Mr. Nicklas, 82, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Nicklas understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Nicklas meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Lorenzo E. Romo

Mr. Romo, 71, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Romo understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Romo meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017

and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

Dennis K. Rottenbucher

Mr. Rottenbucher, 58, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Rottenbucher understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rottenbucher meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Dakota.

Gregory Schembri

Mr. Schembri, 49, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Schembri understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schembri meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Douglas R. Schrader

Mr. Schrader, 62, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Schrader understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schrader meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Ethan J. Stewmon

Mr. Stewmon, 28, has had ITDM since 2000. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Stewmon understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stewmon meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Tennessee.

Charles F. Stockton

Mr. Stockton, 62, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Stockton understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stockton meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Missouri.

Michael E. Thomas

Mr. Thomas, 58, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Thomas understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Thomas meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Nebraska.

Benjamin D. Utoft

Mr. Utoft, 42, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Utoft understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Utoft meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Iowa.

Cassandra D. Waters

Ms. Waters, 54, has had ITDM since 2012. Her endocrinologist examined her in 2017 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Waters understands diabetes management and monitoring has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Waters meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2017 and certified that she does not have diabetic retinopathy. She holds an operator's license from Maryland.

Daniel J. Welch

Mr. Welch, 24, has had ITDM since 2004. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in

the last five years. His endocrinologist certifies that Mr. Welch understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Welch meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Michigan.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0023 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0023 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: April 2, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–07183 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0024]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 16 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: The exemptions were applicable on January 11, 2018. The exemptions expire on January 11, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On December 11, 2017, FMCSA published a notice announcing receipt of applications from 16 individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (82 FR 58262). The public comment period ended on January 10, 2018, and two comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received two comments in this proceeding. Vicky Johnson stated Minnesota Driver and Vehicle Services (DVS) has no objections to Russell J. Soland retaining his CDL with the vision exemption. Amnot Naïve commented that Eric J. Anderson has only two years of experience driving straight trucks. Applicants are required to provide FMCSA proof of CMV experience to meet exemption eligibility requirements. Mr. Anderson provided the required documentation and therefore is eligible to receive the exemption.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved

without the exemption. The exemption allows applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision as well as their driving records and experience driving with the vision deficiency. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the December 11, 2017, **Federal Register** notice (82 FR 58262) and will not be repeated in this notice.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 16 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, chorioretinal scar, corneal scar, keratoconus, macular edema, nystagmus, optic atrophy, prosthetic eye, retinal detachment, and retinal scar. In most cases, their eye conditions were not recently developed. Ten of the applicants were either born with their vision impairments or have had them since childhood. The six individuals that sustained their vision conditions as adults have had it for a range of 4 to 18 years. Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV.

Doctors' opinions are supported by the applicants' possession of a valid license to operate a CMV. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for 2 to 46 years. In the past three years, no drivers were involved in crashes, and one driver was convicted of moving violations in CMVs. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

Consequently, FMCSA finds that in each case exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10) and (b) by a certified Medical Examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 16 exemption applications, FMCSA exempts the following drivers from the vision requirement, 49 CFR 391.41(b)(10), subject to the requirements cited above:

Eric J. Andersen (CT)
Mason M. Arends (CO)
Darin P. Ball (NY)
Freddie L. Boyd (MI)
Larry W. Buchanan, Jr. (NM)
Gerald R. Eister (NC)
Joseph A. Kennedy (ME)
Kent E. Kirchner (IA)
Veronica D. Lowe (ID)
Michael P. Meyer (WI)
Christopher T. Peevyhouse (TN)
William L. Richardson, Jr. (IN)
Russell J. Soland (MN)
William L. Sunkler (OR)
Brian J. Tegeler (IL)
William H. Wrice, Jr. (OH)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: April 2, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–07184 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0124; Notice 3]

General Motors LLC, Receipt of Third Petition for Inconsequentiality and Notice of Consolidation

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of receipt of petition and decision denying request for deferral of determination.

SUMMARY: On January 2, 2018, TK Holdings Inc. (Takata) filed a defect information report (DIR), in which it determined that a defect existed in certain passenger-side air bag inflators that it manufactured, including passenger inflators that it supplied to General Motors, LLC (GM) for use in certain GMT900 vehicles. GM has petitioned the Agency for a decision that, because of differences in inflator design and vehicle integration, the equipment defect determined to exist by Takata is inconsequential as it relates to

motor vehicle safety in the GMT900 vehicles, and that GM should therefore be relieved of its notification and remedy obligations. This notice serves to make the public aware of GM's pending request to the agency and the period for public comment. It does not address GM's substantive claims, nor legal arguments or interpretations asserted by GM.

DATES: The closing date for comments is May 9, 2018.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments regarding this petition for inconsequentiality. Comments must refer to the docket and notice number cited in the title of this notice and be submitted by one of the following methods:

- *Internet:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590.
- *Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590 between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.
- *Facsimile:* (202) 493–2251.

You may call the Docket at (202) 366–9324.

Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Thus, submitting such information makes it public. You may wish to read the Privacy Act notice, which can be viewed by clicking on the ''Privacy and Security Notice'' link in the footer of *http://www.regulations.gov.* DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated above will be filed in the docket and will be considered. Comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

FOR FURTHER INFORMATION CONTACT: *For legal issues:* Stephen Hench, Office of the Chief Counsel, NCC–100, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: (202) 366–5263).

For general information regarding NHTSA's investigation into Takata air bag inflator ruptures and the related recalls: *http://www.safercar.gov/rs/takata/index.html.*

SUPPLEMENTAL INFORMATION:

I. Background

On May 4, 2016, NHTSA issued, and Takata agreed to, an Amendment to the November 3, 2015 Consent Order (the ''Amendment''), under which Takata is bound to declare a defect in all frontal driver and passenger air bag inflators that contain a phase-stabilized ammonium nitrate (PSAN)-based propellant and do not contain a moisture-absorbing desiccant. Such defect declarations are being made on a rolling basis, with the first declaration due May 16, 2016, the second declaration due December 31, 2016, and the third declaration due December 31, 2017. *See* Amendment at ¶ 14.

GM's May 2016 & January 2017 DIRs

Takata timely submitted the first scheduled equipment DIRs on May 16, 2016. *See* Recall Nos. 16E–042, 16E–043, and 16E–044. Those DIRs included non-desiccated passenger inflators, designated as types SPI YP and PSPI–L YD, that were installed as original equipment on certain motor vehicles manufactured by GM (the ''covered passenger inflators''), as well as other non-desiccated passenger inflators installed as original equipment on motor vehicles manufactured by a number of other automakers, which are not at issue here.

The Takata filing triggered GM's obligation to file a DIR for the affected GM vehicles. *See* 49 CFR part 573; Amendment at ¶ 16; November 3, 2015 Coordinated Remedy Order at ¶ 46. GM ultimately submitted two DIRs on May 27, 2016. *See* Recall Nos. 16V–381 (for vehicles in Zone A) and 16V–383 (for vehicles in Zone B). On November 15, 2016, GM petitioned the Agency, under 49 U.S.C. 30118(d), 30120(h) and 49 CFR part 556, for a decision that the equipment defect determined to exist by Takata is inconsequential as it relates to motor vehicle safety in the GMT900 vehicles. *See* GM's Petition for Inconsequentiality and Request for Deferral of Determination Regarding Certain GMT900 Vehicles Equipped with Takata ''SPI YP'' and ''PSPI–L YD'' Passenger Inflators (the ''First Petition for Inconsequentiality'' or ''First Petition''). In a Notice published in the **Federal Register** on November 28, 2016, the Agency published notice of the First Petition and granted two administrative requests, accepting the petition out of time and granting GM additional time to provide data in support of the petition. *See* 81 FR 85681.

On January 3, 2017, Takata timely submitted the second scheduled equipment DIRs for additional covered passenger inflators. *See* Recall Nos. 17E–001, 17E–002, and 17E–003. Again, the Takata filing triggered GM's obligation to file a DIR for the affected GM vehicles. *See* 49 CFR part 573; Amendment at ¶ 16; Third Amendment to Coordinated Remedy Order at ¶ 32. GM ultimately submitted its DIRs on January 10, 2017, and notified NTHSA of its intention to file an inconsequentiality petition. *See* Recall Nos. 17V–010, 17V–019, and 17V–021.[1] Contemporaneous with its DIRs, GM submitted to the Agency a Petition for Inconsequentiality and Request for Deferral of Determination Regarding Certain GMT900 Vehicles Equipped with Takata ''SPI YP'' and ''PSPI–L YD'' Passenger Inflators Subject to January 2017 Takata Equipment DIR Filings (the ''Second Petition for Inconsequentiality'' or ''Second Petition'').

On September 11, 2017, the Agency published a notice of receipt of the Second Petition and, as GM's Second Petition was virtually identical to its First Petition (both involved the same covered passenger inflators and same vehicle platform, relied upon the same purported evidence, and would rely upon the same forthcoming report), consolidated the Second Petition with the First Petition under Docket No. NHTSA–2016–0124. *See* 82 FR 42718.

GM's January 9, 2018 DIRs

Takata timely submitted[2] the third scheduled equipment DIRs on January 2, 2018. Those DIRs included additional covered passenger inflators. Once more, the Takata filing triggered GM's obligation to file a DIR for the affected GM vehicles. *See* 49 CFR part 573; Amendment at ¶ 16; Third Amendment to Coordinated Remedy Order at ¶ 32. GM submitted its DIRs on January 9, 2018.[3] Therein, in accordance with 49 CFR 573.6(c)(8)(iii), GM notified

[1] When a manufacturer files a petition for inconsequentiality, the affected DIR will not be made public unless and until the Agency denies the petition.

[2] December 31, 2017 was a Sunday, and Monday, January 1, 2018 was a federal holiday.

[3] When a manufacturer files a petition for inconsequentiality, the corresponding DIR will not be made public unless and until the Agency denies the petition.

NHTSA of its intention to file a petition for inconsequentiality and contemporaneously submitted to the Agency a Petition for Inconsequentiality Regarding Certain GMT900 Vehicles Equipped with Takata ''SPI YP'' and ''PSPI–L YD'' Passenger Inflators Subject to January 2018 Takata Equipment DIR Filings (the ''Third Petition for Inconsequentiality'' or ''Third Petition''). GM's Third Petition requested that NHTSA grant GM's First, Second and Third Petitions or, in the alternative, that NHTSA defer its decision on the First, Second, and Third Petitions until March 31, 2018, which would allow GM time to complete further study and analysis.

II. Class of Motor Vehicles Involved

GM's Third Petition involves certain ''GMT900'' vehicles that contain the covered passenger inflators (designated as inflator types ''SPI YP'' and ''PSPI-L YD''). GMT900 is a GM-specific vehicle platform that forms the structural foundation for a variety of GM trucks and sport utility vehicles, including: Chevrolet Silverado 1500, GMC Sierra 1500, Chevrolet Silverado 2500/3500, GMC Sierra 2500/3500, Chevrolet Tahoe, Chevrolet Suburban, Chevrolet Avalanche, GMC Yukon, GMC Yukon XL, Cadillac Escalade, Cadillac Escalade ESV, and Cadillac Escalade EXT. The Third Petition involves the following GMT900 vehicles:

- In Zone A, affected model year 2013 GMT900 vehicles. Zone A comprises the following states and U.S. territories: Alabama, California, Florida, Georgia, Hawaii, Louisiana, Mississippi, South Carolina, Texas, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands (Saipan), and the U.S. Virgin Islands. *See* Amendment at ¶ 7.a.
- In Zone B, affected model year 2010 GMT900 vehicles. Zone B comprises the following states: Arizona, Arkansas, Delaware, District of Columbia, Illinois, Indiana, Kansas, Kentucky, Maryland, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, and West Virginia. *See* Amendment at ¶ 7.b.
- In Zone C, affected model year 2009 GMT900 vehicles. Zone C comprises the following states: Alaska, Colorado, Connecticut, Idaho, Iowa, Maine, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, and Wyoming. *See* Amendment at ¶ 7.c.

III. Summary of GM's Third Petition for Inconsequentiality

GM's Third Petition relies on arguments, data, and analysis in its First and Second Petitions (and supplemental brief thereto), information submitted to the Agency during briefings with NHTSA, and additional arguments and engineering analysis as presented in the Third Petition. *See* Third Petition at 1, 3. According to the Third Petition, GM's originally planned Orbital ATK (''OATK'') inflator study is now complete,[4] which GM argues demonstrates the covered passenger inflators in subject GMT900 vehicles ''will continue to operate safely for decades, even in the highest temperature and humidity regions''—*i.e.,* that the covered passenger inflators, as integrated into the GMT900 vehicles, do not present an unreasonable risk to safety. *See id.* at 3.

According to the Third Petition, GM's position is based upon the following: field data, including GM's estimated 63,000 Takata passenger air bag inflator deployments in GMT900 vehicles without a reported rupture and ballistic tests of 4,205 covered passenger inflators without a rupture or sign of abnormal deployment, and results of the OATK study of inflators artificially exposed to additional humidity and temperature cycling without a rupture or abnormal deployment, and accompanying statistical interpretation of those results. *Id.* at 12–15.

GM further states that the covered passenger inflators are not used by any other original equipment manufacturer and, further, that the covered inflators have a number of unique design features that influence burn rates and internal ballistic dynamics, including greater vent-area-to-propellant-mass ratios, steel end caps, and thinner propellant wafers. *See id.* at 6. In addition, GM states that the physical environment of the GMT900 vehicles better protects the covered passenger inflators from temperature cycling that can lead to propellant degradation and, ultimately, inflator rupture. *See id.* at 7.

This notice serves to make the public aware of GM's pending request to the agency and the period for public comment. Accordingly, it does not address the substantive claims, or legal arguments or interpretations, asserted by GM.

IV. Consolidation

GM's Third Petition for Inconsequentiality involves newer model years of the same covered passenger inflators (*i.e.,* frontal passenger inflator types ''SPI YP'' and ''PSPI-L YD''), the same vehicle platform (*i.e.,* the GMT900), and similar purported evidence to support the safety of the inflators (*e.g.,* estimated field deployments, ballistic testing), and relies upon the same OATK study as GM's First and Second Petitions. Accordingly, it is appropriate to evaluate the First, Second, and Third Petitions together. In the interest of clarity, consistency, and efficiency, the Agency is consolidating the Third Petition with the First and Second Petitions (the ''Consolidated Petitions'') under Docket No. NHTSA–2016–0124.

V. Request To Defer Decision on Petition

GM states it believes the evidence it has thus far presented ''fully supports'' the relief it requests in the Consolidated Petitions. *Id.* at 17. Alternatively, GM requests that NHTSA defer its decision until March 31, 2018 *Id.* According to GM, this would allow it to conduct further studies and analysis that can develop an estimate of the covered inflators' likely service life beyond 30 years, as well as a predictive model of service-life estimates to account for inflator design and vehicle integration. *See id.*

NHTSA's grant of GM's request to defer a decision on the First Petition until August 31, 2017 so that GM could provide additional evidence, including concluding the OATK study, was unprecedented. As NHTSA noted in granting that request, ''[o]rdinarily, under 49 CFR 556.4(b)(5), an inconsequentiality petition must set forth all data, views, and arguments supporting that petition''[5] at the time of the filing. Decision deferrals for inconsequentiality petitions are not permitted, and permitting that practice would provide manufacturers with an opportunity to endlessly delay remedy of vehicles in need of repair. Here, one important factor in NHTSA's decision to grant the deferral was GM's assertion that remedy parts would quickly be available to the public in the event the petition was denied. NHTSA's extraordinary grant of additional time to present information allowed GM until

[4] To supplement its internal analysis, GM retained a third-party expert, OATK, to conduct a long-term aging study to estimate the service life expectancy of the covered passenger inflators in the GMT900 vehicles. *See* First Petition at 12. When NHTSA previously deferred a decision on GM's First Petition, one of the conditions of that deferral was that GM provide NHTSA with monthly updates on this study.

[5] *General Motors LLC, Receipt of Petition for Inconsequentiality and Decision Granting Request To File Out of Time and Request for Deferral of Determination,* 81 FR 85681, 85683–84.

August 31, 2017 to provide data, and that date has passed. However, following notice and an opportunity for comment, any decision on an inconsequentiality petition can be reversed based on the presentation of new evidence. 49 CFR 556.8. Accordingly, GM's request that NHTSA defer decision on the Third Petition until March 31, 3017 is herein denied. However, until NHTSA renders a decision on GM's Petitions, the Agency will continue to accept and, to the extent feasible, consider documents submitted relevant to the Petitions, which NHTSA will make available for public comment in Docket No. NHTSA–2016–0124.

Accordingly, NHTSA hereby gives notice of its receipt of General Motors LLC's Petition for Inconsequentiality Regarding Certain GMT900 Vehicles Equipped with Takata ''SPI YP'' and ''PSPI-L YD'' Passenger Inflators Subject to January 2018 Takata Equipment DIR Filings. And it is hereby *ordered* that:

1. The period for public comment on GM's Third Petition shall run from the publication date of this notice through May 9, 2018;
2. GM's Third Petition is consolidated with the First and Second Petitions; and
3. GM's request for a deferral of NHTSA's decision on its First, Second, and Third Petitions to March 31, 2018, is *denied.*

Authority: 49 U.S.C. 30101, *et seq.,* 30118, 30120(h), 30162, 30166(b)(1), 30166(g)(1); delegation of authority at 49 CFR 1.95(a); 49 CFR parts 556, 573, 577.

Issued: April 3, 2018.

Jonathan C. Morrison,

Chief Counsel.

[FR Doc. 2018–07188 Filed 4–6–18; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel—Notice of Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in New York, NY.

DATES: The meeting will be held April 19, 2018.

ADDRESSES: The closed meeting of the Art Advisory Panel will be held at 290 Broadway, New York, NY 10007.

FOR FURTHER INFORMATION CONTACT: Maricarmen Cuello, AP:SEPR:AAS, 51 SW 1st Avenue, Room 1014, Miami, FL 33130. Telephone (305) 982–5364 (not a toll free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App., that a closed meeting of the Art Advisory Panel will be held at 290 Broadway, New York, NY 10007.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of 26 U.S.C. 6103.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in sections 552b(c)(3), (4), (6), and (7), of the Government in the Sunshine Act, and that the meeting will not be open to the public.

Donna Hansberry,

Chief, Appeals.

[FR Doc. 2018–07174 Filed 4–6–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, May 8, 2018.

FOR FURTHER INFORMATION CONTACT: Rosalind Matherne at 1–888–912–1227 or 202–317–4115.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be held Tuesday, May 8, 2018, at 3:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Rosalind Matherne. For more information please contact Rosalind Matherne at 1–888–912–1227 or 202–317–4115, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

The committee will be discussing Toll-free issues and public input is welcomed.

Dated: April 3, 2018.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–07172 Filed 4–6–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: The Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will conduct an open meeting and will solicit public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, May 15, 2018.

FOR FURTHER INFORMATION CONTACT: Gilbert Martinez at 1–888–912–1227 or (737) 800–4060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be held Tuesday, May 15, 2018, at 4:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Gilbert Martinez. For more information please contact Gilbert Martinez at 1–888–912–1227 or (737) 800–4060, or write TAP Office 3651 S. IH–35, STOP 1005 AUSC, Austin, TX 78741, or post comments to the website: *http://www.improveirs.org.*

The committee will be discussing various issues related to the Taxpayer

Assistance Centers and public input is welcomed.

Dated: April 3, 2018.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel

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[FR Doc. 2018–07168 Filed 4–6–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, May 15, 2018.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or (202) 317–4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Tuesday, May 15, 2018, at 2:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Antoinette Ross. For more information please contact: Antoinette Ross at 1–888–912–1227 or (202) 317–4110, or write TAP Office, 1111 Constitution Avenue NW, Room 1509, National Office, Washington, DC 20224, or contact us at the website: *http://www.improveirs.org.*

The committee will be discussing various issues related to Taxpayer Communications and public input is welcome.

Dated: April 3, 2018.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–07164 Filed 4–6–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Lisa Billups at 1–888–912–1227 or (214) 413–6523.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Wednesday, May 30, 2018, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information please contact Lisa Billups at 1–888–912–1227 or (214) 413–6523, or write TAP Office 1114 Commerce Street, Dallas, TX 75242–1021, or post comments to the website: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: April 3, 2018.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–07166 Filed 4–6–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Special Projects Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, May 16, 2018.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Special Projects Committee will be held Wednesday, May 16, 2018, at 2:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612–5217 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

The agenda will include a discussion on various special topics with IRS processes.

Dated: April 3, 2018.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–07173 Filed 4–6–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, May 9, 2018.

FOR FURTHER INFORMATION CONTACT: Robert Rosalia at 1–888–912–1227 or (718) 834–2203.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be

held Wednesday, May 9, 2018, at 2:00 p.m., Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Robert Rosalia. For more information please contact Robert Rosalia at 1–888–912–1227 or (718) 834–2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: April 3, 2018.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–07170 Filed 4–6–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, May 10, 2018.

FOR FURTHER INFORMATION CONTACT: Otis Simpson at 1–888–912–1227 or 202–317–3332.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be held Thursday, May 10, 2018, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Otis Simpson. For more information please contact Otis Simpson at 1–888–912–1227 or 202–317–3332, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues. Otis Simpson. For more information please contact Otis Simpson at 1–888–912–1227 or 202–317–3332, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

The agenda will include a discussion on various letters, and other issues related to written communications from the IRS.

Dated: April 3, 2018.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–07163 Filed 4–6–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0178]

Agency Information Collection Activity: Monthly Certification of On-The-Job and Apprenticeship Training

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 8, 2018.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Cynthia Harvey-Pryor, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *Cynthia.harvey.pryor@va.gov.*

Please refer to ''OMB Control No. 2900–0178, in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor at (202) 461–5870.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 3019.

Title: Monthly Certification of On-The-Job and Apprenticeship Training.

OMB Control Number: 2900–0178.

Type of Review: Reinstatement of a previously approved collection.

Abstract: Claimants receiving On-the job and Apprenticeship training complete VA Form 22–6553d to report the number of hours worked. Schools or training establishments also complete the form to report whether the claimant's educational benefits are to be continued, unchanged, or terminated and the effective date of such action. VA Form 22–6553d–1 is an identical printed copy of VA Form 22–6553d. Claimants use VA Form 22–6553d–1 when the computer-generated version of VA Form 22–6553d is not available. VA uses the data collected to process a claimant's educational benefit claim.

Affected Public: Individuals or households.

Estimated Annual Burden: 11,384 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Monthly.

Estimated Number of Respondents: 68,301.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality and Compliance, Department of Veterans Affairs.

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Part II

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Part 648

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Essential Fish Habitat; Final Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 160301163–8204–02]

RIN 0648–BF82

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Essential Fish Habitat

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

ACTION: Final rule.

SUMMARY: This action implements approved regulations for the New England Fishery Management Council's Omnibus Essential Fish Habitat Amendment 2. This rule revises essential fish habitat and habitat area of particular concern designations, revises or creates habitat management areas, including gear restrictions, to protect vulnerable habitat from fishing gear impacts, establishes dedicated habitat research areas, and implements several administrative measures related to reviewing these measures, as well as other regulatory adjustments to implement these measures. This action is necessary to comply with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act to periodically review essential fish habitat designations and protections. The measures are designed to minimize to the extent practicable the adverse effects of fishing on essential fish habitat.

DATES: Effective April 9, 2018.

ADDRESSES: Copies of the Omnibus Essential Fish Habitat Amendment 2, including the Environmental Impact Statement, the Regulatory Impact Review, and the Initial Regulatory Flexibility Analysis (EIS/RIR/IRFA) prepared by the New England Fishery Management Council in support of this action are available from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The supporting documents are also accessible via the internet at: *http://www.nefmc.org/library/omnibus-habitat-amendment-2* or *http://www.greateratlantic.fisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Moira Kelly, Senior Fishery Program Specialist, phone: 978–281–9218, *Moira.Kelly@noaa.gov.*

SUPPLEMENTARY INFORMATION:

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1. General Background

On January 3, 2018, NOAA's National Marine Fisheries Service (NMFS), on behalf of the Secretary of Commerce, approved the majority of the New England Fishery Management Council's recommendations for the Omnibus Essential Fish Habitat Amendment 2 (OHA2). This action implements the approved management measures in OHA2. NMFS approved all of the updated essential fish habitat designations (EFH), all of the recommended habitat area of particular concern (HAPC) designations, and the majority of the habitat management area (HMA) recommendations, all of the Dedicated Habitat Research Area (DHRA) recommendations, all of the seasonal spawning area recommendations, and both of the framework and administrative recommendations. Two Council recommendations were disapproved: (1) Establishment of The Cox Ledge HMA, which would prohibit hydraulic clam dredges and ground cables on trawl vessels; and (2) changes to the eastern Georges Bank Areas, as described in more detail below.

OHA2 was initiated in 2004 to review and update the EFH components of all the New England Fishery Management Council's fishery management plans (FMP). The Council established 10 goals and 14 objectives to guide the development of this action. Goals 1–8 were established in 2004 at the onset of the Amendment's development and focus on identification of EFH; fishing and non-fishing activities that may adversely affect EFH; and the development of measures and management programs to conserve, protect, and enhance EFH and to minimize to the extent practicable the adverse effects of fishing on EFH. The additional goals (9 and 10) were developed after the Council voted to incorporate revisions to the groundfish closures in the Amendment. These goals are focused on enhancing groundfish productivity, including protection of spawning groundfish, and maximizing the societal net benefits from groundfish stocks.

The 14 objectives map to one or more of the Amendment's goals and provide more guidance on achieving each goal. For example, the objectives include identifying new data sources upon which to base the EFH designations (Objective A), developing analytical tools for EFH designation, minimization of adverse impacts, and monitoring the effectiveness of measures (Objective D; Goals 1, 3, and 5). Other objectives include modifying fishing methods to reduce impacts (Objective E; Goal 4), supporting the restoration of degraded habitat (Objective F; Goal 4), improving groundfish spawning protection, including protection of localized spawning contingents, and improving protection of critical groundfish habitats (Goals 9 and 10). Please see Volume 1, Section 3 of the EIS for more details on the goals and objectives of this Amendment.

2. Essential Fish Habitat Designations

The Magnuson-Stevens Act defines EFH as ''those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.'' The EFH regulations (50 CFR part 600, subpart J) require councils to describe and identify EFH in text that clearly states the habitats or habitat types determined to be EFH for each life stage of a managed species and in maps that display the geographic locations of EFH or within which EFH for each species and life stage is found. Further, FMPs should explain the physical, biological, and chemical characteristics of EFH and, if known, how these characteristics influence the use of EFH for the species/life stage. The EFH regulations state that councils should periodically review the EFH provisions of FMPs and revise or amend as warranted, based on available information, and that a complete review of all EFH information should be conducted at least once every five years.

A full description of the approved EFH designations, including maps and text designations, can be found in Volume 2 of the EIS. In addition, a thorough discussion of the data sources and methods used to assemble the designations is provided in Appendix A to the EIS. Another appendix (Appendix B) includes supplementary EFH information (*e.g.,* prey species, temperature, and salinity preferences) for each species and life stage not included in the EFH text descriptions in Volume 2 that may be considered when the potential effects of any fishing or non-fishing activity that could adversely affect EFH are evaluated. All of the

Council's recommendations for EFH designations are approved.

3. Habitat Area of Particular Concern Designations

Habitat Areas of Particular Concern (HAPC) highlight specific types or areas of habitat within EFH that are particularly vulnerable to human impacts. Evaluations of such areas should give special attention to adverse effects, including any HAPCs designated that are particularly vulnerable to fishing activity. An HAPC designation alone does not provide any specific habitat management measures, such as gear restrictions, and no new measures are implemented as part of the HAPC designations in this amendment. Management measures are discussed under ''Spatial Management for Adverse Effects Minimization,'' below.

HAPC designations are based on one or more of the following criteria: (1) The importance of the ecological function provided by the habitat, including both the historical and current ecological function; (2) the extent to which the habitat is sensitive to human-induced environmental degradation; (3) whether, and to what extent, development activities are, or will be, stressing the habitat type; and (4) the rarity of the habitat type (50 CFR 600.815(a)(8)). The Council solicited and considered HAPC proposals from the public and added selection criteria, including whether the designation would improve fisheries management in the U.S. Exclusive Economic Zone (EEZ); whether it included EFH for more than one Council-managed species or specifically for juvenile cod; and whether it met more than one of the regulatory HAPC criteria listed above. Discussion of the areas considered and the degree to which they satisfied the eight criteria can be found in Volume 2 of the EIS.

This action approves all of the Council's recommendations for HAPC, including the current Atlantic Salmon HAPC and the Northern Edge Juvenile Cod HAPC. In addition, the action approves the following areas as new HAPCs: Inshore Juvenile Cod HAPC; Great South Channel Juvenile Cod HAPC; Cashes Ledge HAPC; Jeffreys Ledge/Stellwagen Bank HAPC; Bear and Retriever Seamount HAPC; and 11 canyon/canyon complexes. Maps and coordinates for the HAPC designations can be found in Volume 2 of the EIS. A summary of the rationale for each designation (or set of designations) was provided in the proposed rule for this action (82 FR 51492; November 6, 2017) and further rationale is not repeated here. Detailed discussion of the rationale is also provided in Volume 2, Section 3 of the EIS.

As described in the EIS, the HAPCs are non-regulatory designations. The designations are intended to provide for increased attention when habitat protection measures are considered. HAPCs that are particularly vulnerable to the potential impacts from fishing warrant special attention when determining appropriate management measures to minimize, compensate, or avoid those impacts.

4. Spatial Management for Adverse Effects Minimization

The Magnuson-Stevens Act requires that fishery management plans evaluate and minimize, to the extent practicable, the adverse effects of fishing on EFH. The evaluation should consider the effects of each fishing activity on each type of habitat found within EFH. Councils must prevent, mitigate, or minimize any adverse effects from fishing on EFH if there is evidence that a fishing activity adversely affects EFH in a manner that is more than minimal and not temporary in nature. Councils should consider the nature and extent of any adverse effects along with the long- and short-term costs and benefits of the management measures to EFH, associated fisheries, and the nation. A thorough description of the approach the Council took to achieve this requirement is provided in the proposed rule for this action and is not repeated here.

The approved and disapproved measures and a brief description of the rationale for the decision are included below. A thorough discussion of the other alternatives considered and the potential impacts, including economic impacts, from those alternatives are included in Volumes 3, 4, and 5 of the EIS. Coordinates and maps of all areas can be found in Volume 3 of the EIS.

Approved Habitat Management Measures

- Establish the (Small) Eastern Maine Habitat Management Area (HMA), closed to mobile bottom-tending gear;
- Maintain Cashes Ledge (Groundfish) Closure Area, with current restrictions and exemptions;
- Modify the Cashes Ledge Habitat Closure Area, closed to mobile bottom-tending gear;
- Modify the Jeffreys Ledge Habitat Closure Area, closed to mobile bottom-tending gear;
- Establish the Ammen Rock HMA, closed to all fishing, except lobster traps;
- Establish the Fippennies Ledge HMA, closed to mobile bottom-tending gear;
- Maintain the Western Gulf of Maine Habitat Closure Area, closed to mobile bottom-tending gear;
- Modify the Western Gulf of Maine Groundfish Closure Area to align with the Western Gulf of Maine Habitat Closure Area, with current restrictions and exemptions;
- Exempt shrimp trawling from the designated portion of the northwest corner of the Western Gulf of Maine Closure Areas;
- Add the Gulf of Maine Roller Gear restriction as a habitat protection measure;
- Remove the Closed Area I Habitat and Groundfish Closure Area designations;
- Remove the Nantucket Lightship Habitat and Groundfish Closure Area designations; and
- Establish the Great South Channel HMA, closed to mobile bottom-tending gear throughout and clam dredge gear in the defined northeast section. Clam dredge gear would be permitted throughout the rest of the HMA for 1 year while the Council considers restrictions that are more refined.

Disapproved Habitat Management Measures

The following recommendations were disapproved. Further rationale for disapproving these recommendations is included below in the ''Georges Bank'' and ''Southern New England/Great South Channel'' sections.

- The Cox Ledge HMA, which would have been closed to hydraulic clam dredges and prohibiting ground cables of trawl vessels;
- Removal of the Closed Area II Habitat and Groundfish Closure Areas;
- The Northern Edge Reduced Impact HMA, which would have been closed to mobile bottom-tending gears except groundfish vessels west of 67° 20′ W Longitude and scallop vessels fishing in a scallop rotational program;
- The Northern Edge Mobile Bottom-Tending Gear HMA, which would have been closed to mobile bottom-tending gear; and
- The Georges Shoal HMA, which would have been closed to mobile bottom-tending gear, except hydraulic clam dredges that would have been exempted for 1 year.

Eastern Gulf of Maine

In the Eastern Gulf of Maine, this action establishes the Small Eastern Maine HMA, closed to all mobile bottom-tending gears. (Note, the regulations refer to this area as simply

the ''Eastern Maine HMA.'') This measure is designed to protect habitats of similar species as the larger area that was considered, but with fewer economic impacts on the fishing industry. Its protection of vulnerable habitats and designated EFH coverage ranks towards the middle of the areas considered for this sub-region. Because there is currently no habitat management area in the eastern Gulf of Maine, implementing a mobile bottom-tending gear closure in any area represents an improvement in groundfish habitat protection in this sub-region. However, bottom trawls and dredges are used sparingly in any of the areas that the Council considered and lobster traps are not subject to any of the regulations in this amendment. Therefore, no short-term reductions in the adverse impacts of fishing in this sub-region are expected. Overall, the area provides potential long-term habitat protection benefits with minimal costs to the fishing industry.

Central Gulf of Maine

In the Central Gulf of Maine, this rule maintains the existing Cashes Ledge Groundfish Closure Area and modifies the existing Jeffreys Bank and Cashes Ledge Habitat Closure Areas, with their current fishing restrictions and exemptions; establishes the Fippennies Ledge HMA, closed to mobile bottom-tending gears; and establishes the Ammen Rock HMA, closed to all fishing except lobster traps.

This combination of measures is appropriate for this region. Maintaining the existing Cashes Ledge Groundfish Closure Area supports the goals and objectives of improving groundfish productivity, with no additional economic burdens on the industry. Maintaining this closure will also ensure that a more diverse array of bottom habitats that support a greater variety of species remain protected from fishing impacts.

The other actions in this sub-region are modifications to the existing Cashes Ledge and Jeffreys Bank habitat closures. These modifications were designed to more closely align with the location of the shallower, hard-bottom habitats and to increase fishery access to the deeper, less vulnerable mud and sand habitats that surround the ledges. Ammen Rock on top of Cashes Ledge is a unique feature within the Gulf of Maine and features kelp forest habitat that would benefit from enhanced protection, which is why there are additional management restrictions in that area. Fippennies Ledge is an additional hard bottom feature within the Cashes Ledge Groundfish Closure Area that would be protected by maintaining the existing groundfish closure. However, should the Cashes Ledge Groundfish Closure Area be modified or removed at some point in the future when groundfish stocks have recovered and the closure is no longer required, Fippennies Ledge still warrants protection from the adverse effects of mobile bottom-tending gear. In terms of habitat protection and benefits to groundfish resources, the approved measures are high relative to other alternatives in this sub-region and the economic impacts are slightly more positive than the current measures.

Western Gulf of Maine

In the Western Gulf of Maine, this action maintains the existing Western Gulf of Maine Habitat Closure Area, closed to mobile bottom-tending gears, and modifies the eastern boundary of the Western Gulf of Maine [Groundfish] Closure Area to align with the habitat closure area, while maintaining the current fishing restrictions and requirements. This rule also creates an exemption area within the northwest corner of those closures for shrimp trawls and designates the existing Roller Gear Restricted Area requirements as a habitat protection measure.

The EIS describes the Council's rationale for these areas in detail. In summary, these areas were selected to maintain decades' worth of protections in this region, while modestly increasing fishing access to the eastern edge of the area. The shrimp exemption was designed to minimize the economic impact on a fleet whose gear has minimal habitat impact. The roller gear restriction has been required for several years and was originally implemented through Framework Adjustment 27 to the Northeast Multispecies Fishery Management Plan to minimize cod mortality by preventing trawl gear from fishing over rocky substrate. As such, it has been a de facto habitat protection measure and the Council wanted to note it formally as such.

These measures are expected to have the same level of positive impacts on habitat and groundfish resources as the existing closures, with the same economic benefits.

Georges Bank

On Georges Bank, the Council recommended removing the year-round and habitat closures of Closed Areas I and II and replacing them with three new areas: (1) The Georges Shoal 2 HMA, closed to mobile bottom-tending gear, with a 1-year delay in closure to hydraulic clam dredges; (2) the Northern Edge Reduced Impact HMA, closed to mobile bottom-tending gear, with two exceptions described below; and (3) the Northern Edge Mobile Bottom-Tending Gear HMA, closed to mobile bottom-tending gear without any exceptions. Exemptions to the Reduced Impact HMA would have allowed scallop dredge fishing under the scallop rotational area program, and trawl fishing to the west of the existing western boundary of Closed Area II (67° 20′ W long.), in what is now the Eastern Georges Bank Special Access Program. In addition, any portions of the Closed Area II groundfish closed area north of 41° 30′ N lat. would have been closed to scallop fishing between June 15 and October 31 of each year. Volume 3 of the EIS describes the Council's rationale in detail.

We approved a portion of this recommendation. The Council considered Closed Areas I and II in the same sub-region and included recommendations in the same alternative. However, the two closed areas are substantially distinct in their scope, nature, and impacts, and; therefore, changes to either area may be assessed independently. Whether the HMAs recommended by the Council meet the goals and objectives of the Amendment and Magnuson-Stevens Act requirements may also be assessed independently. The Closed Area I Groundfish Closure, which encompasses the Closed Area I North and South Habitat Closures, and a central portion that has long been part of the scallop access area program, is generally less vulnerable to the adverse effects of fishing than areas of Georges Bank to the north and east. This action establishes the Closed Area I South Habitat Closure as a DHRA (see # 6 below), which will be closed to mobile bottom-tending gears for at least 3 years and could be opened after a review of the research activities in the area. Closed Area I North Habitat Closure becomes a seasonal closure from February 1 to April 15, closed to commercial and recreational gears capable of catching groundfish except scallop dredges. (See #5 below.) The removal of the Closed Area I designations and proposed new designations do not compromise the ability of the Council's FMPs to comply with the EFH requirements of the Magnuson-Stevens Act.

The changes the Council proposed would have opened an area that has been closed to mobile bottom-tending fishing gear for over 20 years. This would have allowed rotational scallop dredge fishing along the northern edge of Georges Bank. A portion of the Northern Edge Reduced Impact HMA

that would have been opened to rotational limited access scallop dredging as part of the Council's preferred alternative includes the northern portion of an area designated as a Habitat Area of Particular Concern in 1998 and that is reaffirmed in this amendment due to the ecological importance and vulnerability of the area for juvenile cod.

The Council's recommended areas on Georges Bank do not sufficiently address the impact of limited access scallop dredging on the highly vulnerable habitat within the Closed Area II Habitat Closure Area. Overall, the changes the Council recommended to Closed Area II and eastern Georges Bank are inconsistent with the Amendment's goals and objectives of improving juvenile groundfish habitat protection and the requirements of the Magnuson-Stevens Act to minimize the adverse effects of fishing to the extent practicable. Furthermore, the Closed Area II Habitat Closure Area has the same footprint as the Northern Edge Juvenile Cod HAPC. The area has been closed to mobile bottom-tending gear since 1995 and designated as an HAPC since 1998. The Council reaffirmed that designation in this Amendment, but the recommendation the Council had made does not avoid, minimize, or compensate for the adverse effects of this action on this HAPC.

Based on the factors analyzed in the Amendment, the quality of the habitat in the current Closed Area II Habitat Closure Area is considered much higher than the habitat in the proposed Georges Shoal HMA and higher than in the proposed Northern Edge Mobile Bottom-Tending Gear Closure Area. The Council's EIS supporting the Amendment describes the size, habitat content (sand/mud vs. gravel, cobble, boulder), and the results of an EFH overlap analysis, allowing us to compare the relative EFH ''value'' across areas. The EFH overlap analyses were done to show the extent to which the EFH designations for individual managed species overlap within each habitat management area the Council considered. This type of analysis favors larger areas and was done using several categories, as follows: Total number of EFH designations; EFH for overfished species; EFH for species/life stages with a known affinity for complex substrate; juvenile hotspots; and the count of unique species and designations.

The proposed Georges Shoal HMA ranks at or near the bottom of the analysis in almost every measure of EFH coverage, despite its much larger size, meaning far fewer managed species and life stages utilize this area. Of the 49 areas considered across all sub-regions, the Georges Shoal HMA ranks between 36th and 47th, depending on the measure; in contrast, the Closed Area II EFH area ranks between 8th and 27th in the same analysis. Among the 16 alternatives considered for the Georges Bank sub-region, the Georges Shoal HMA is the sixth largest, but last or almost last in each of the EFH overlap scores. The Georges Shoal HMA is sandier and more shallow, and, therefore, less vulnerable to fishing impacts, than Closed Area II, making it a much less efficient closure. The Northern Edge Mobile Bottom-Tending Gear HMA that had been proposed ranks in the lower half of almost every metric as well (from 7–12 out of 16), despite being a similar size to the existing Closed Area II EFH closure. The Northern Edge Reduced Impact HMA that had been proposed, where scallop fishing would have been allowed on a rotational basis, represents the most complex habitat and ranks in the upper half of each EFH metric (3–7 out of 16), despite its much smaller size.

Removing protections from, and allowing scallop dredging in, the most vulnerable portion of Closed Area II compromises the ability of the Council's FMPs to continue to meet the requirements of the Magnuson-Stevens Act to minimize to the extent practicable the adverse effects of fishing on EFH throughout the region and prevents the Council from achieving this action's goals and objectives. The potential benefits to habitat from the areas the Council had proposed to close do not outweigh the potential adverse effects on highly valuable EFH and vulnerable groundfish stocks that would result from opening the Closed Area II Habitat Closure Area to limited access scallop dredging.

In addition to the quality and importance of the habitat on eastern Georges Bank, the Closed Area II Habitat Closure Area is also the Northern Edge Juvenile Cod HAPC. As noted above, the Council initially made this designation in 1998 and reaffirmed the importance of the area in this Amendment. One of the four considerations for HAPC designation is sensitivity to anthropogenic stress. The Council concluded that there are ''no known anthropogenic threats to this area beyond those associated with fishing activity.'' While there are no fishery restrictions associated with HAPC designations themselves, the designation should result in the Council taking a more precautionary approach to management of those areas, particularly when the only noted human-induced stress is fishing. The final rule for the EFH regulations (67 FR 2343; January 17, 2002) notes, ''. . . designation of HAPCs is a valuable way to highlight priority areas within EFH for conservation and management . . . Proposed fishing activities that might threaten HAPCs may likewise receive a higher level of scrutiny.'' This guidance suggests that councils should prioritize the protection of HAPCs where fishing is a primary or significant threat to the habitat.

The Council's recommendations in this Amendment would have opened the most vulnerable portions of the HAPC without closing other comparable habitat. The Council did not adequately explain its reasons for concluding that this HAPC should be opened to fishing or how the other areas adequately mitigated or compensated for the impacts of fishing in this area. The Council's recommendation to allow even rotational fishing in this sensitive habitat is inconsistent with its own rationale for the designation that the habitat in this area warrants particular concern and consideration. The Council also did not explain the conditions for allowing fishing in this area that would sufficiently minimize adverse effects. For these reasons, we disapproved the recommendations to remove the Closed Area II Habitat and Groundfish Closure Areas and replace them with the areas described above.

While disapproving the Council's recommendation for eastern Georges Bank will continue to result in lost opportunity costs for the scallop industry, approved changes to current area closures will provide substantial new economic opportunity for the scallop fishery. The Council currently estimates that access into the Closed Area I and Nantucket Lightship areas that were previously closed could increase scallop revenue by $140-$160 million in the next year (based on preliminary information in Scallop Framework Adjustment 29). The Council may choose to revisit habitat management on eastern Georges Bank in a subsequent action that could address the reasons for disapproval.

Great South Channel/Southern New England

This rule establishes the Great South Channel HMA. The northeast corner of the HMA (12.5 percent of the area) will be closed to all mobile bottom-tending gears. The effective date of the closure will be delayed by 1 year for hydraulic clam dredges throughout the remainder of the area. The Council considered the unique fishing practices in the surfclam fishery. Based on this information, the Council is working to identify sub-areas

that are less vulnerable to clam gear to determine whether some amount of clam fishing may continue in a manner that sufficiently minimizes impacts to vulnerable substrate. The Council recommended establishing two small HMAs on Cox Ledge, closed to hydraulic clam dredges, and prohibiting ground cables on trawls fishing in the areas; however, that recommendation was disapproved. The Nantucket Lightship Habitat Closure Area and the Nantucket Lightship Closed Area are removed by this action.

Throughout the development of the action, the Council's technical team expressed concern that the ground cable restriction measures would not minimize the habitat impacts of fishing. NMFS reiterated these concerns several times throughout the development of OHA2 management measures. Ground cables account for a significant portion of a bottom trawl's seabed impact. However, the sediment clouds they create ''herd'' fish toward the opening of the net. The gear modifications that had been proposed would have reduced the effectiveness of the gear and, in all likelihood, cause vessels to fish longer in order to compensate for reduced catch rates. No studies of the trade-offs between reduced impacts of ground cable removal and the duration or frequency of bottom trawl tows were cited in the EIS for OHA2. As a result, we disapproved this recommendation.

The approved recommendation of the Great South Channel HMA is a compromise between the larger Great South Channel East HMA (identified in the EIS as Alternative 3), located further to the east, and the slightly smaller Nantucket Shoals HMA (identified in the EIS as Alternative 5), located further to the west, closer to Nantucket Island. Bottom habitats in these areas are a mixture of less stable sand and more stable gravel, cobble, and boulder substrates and support fisheries for groundfish, clams, and scallops. The two most significant fisheries in the area are for surfclams and scallops. Scallop dredging is almost entirely restricted to deeper water along the western side of the Great South Channel and to an area east of Cape Cod. Clam dredging occurs in a large area of mixed bottom types in shallower water to the west. While the Council recognized the likelihood of negative economic impacts of these alternatives on the clam fishery, they were also concerned about the negative effects of hydraulic dredges on complex habitats occurring in the region. The discussion and development of more discrete exemption areas is currently occurring in a separate framework adjustment action.

This action also establishes two HAPCs in this sub-region. The Inshore Juvenile Cod HAPC includes waters off the Massachusetts coast to 20 m deep, and overlaps slightly with the Nantucket Shoals and Nantucket Shoals West HMAs. The Great South Channel Juvenile Cod HAPC includes additional waters north and east of the HMAs to a depth of 120 m and partially overlaps the Great South Channel HMA in this sub-region. No management measures were applied specifically to these areas; however, they are designated as HAPCs primarily because they are vulnerable to adverse anthropogenic impacts from non-fishing activities.

Results of the habitat impact analyses in the EIS indicated that the approved measures are expected to have positive habitat impacts compared to leaving the habitat and groundfish closures in the Nantucket Lightship area in place, even with the 1-year delay in closure for clam dredges in most of the area. Impacts to groundfish resources will be approximately the same for both the existing and new measures. The new measures will have a slightly negative economic impact on the groundfish fishery; approximately 1 percent of the total groundfish revenue from the statistical areas covered by the closure are expected to be impacted by this measure. A highly negative economic impact on the clam fishery after the 1-year delay expires would be expected, before more discrete exemption areas are approved and implemented.

5. Groundfish Spawning Measures

The Council has considered how to most effectively manage fishing during the spawning periods of key fish in several actions. During the development of this Amendment, the Council recommended, and NMFS implemented, several modifications to spawning protections for cod and other groundfish through Framework Adjustments 45 and 53. Because these measures were implemented prior to the completion of OHA2, there was much debate over what should be done in this action. Ultimately, the Council recommended, and this action implements, a few minor additional protections to what is required currently.

Gulf of Maine

In the Gulf of Maine, this action establishes two new, relatively small, cod spawning protections. They include the Winter Massachusetts Bay Spawning Closure, which will be in effect from November 1–January 31 of each year. During the closure, the area will be closed to all fishing vessels, with the same exemptions as the existing Gulf of Maine Cod Spawning Protection Area (*i.e.,* Whaleback). These exemptions include vessels fishing in state waters that do not have a Federal Northeast multispecies permit; vessels fishing with exempted gears; charter/party and private recreational vessels, provided they are fishing with pelagic hook and line gear and there is no retention of regulated groundfish or ocean pout; and vessels that are transiting. In addition, a 2-week closure (April 15–April 30) within statistical area 125, referred to as the Spring Massachusetts Bay Spawning Protection Area, is established. This area will be closed to all vessels, except: Vessels fishing in state waters that do not have a Federal Northeast multispecies permit; vessels fishing with exempted gears; vessels in the mid-water trawl and purse seine exempted fisheries; scallop vessels fishing with dredges on a scallop day-at-sea; vessels fishing in the scallop dredge exemption area; and charter, party, and recreational fishing vessels.

Georges Bank

Because the Council's recommendation to remove the Closed Area II Groundfish Closure Area in Georges Bank was disapproved, the current year-round restrictions and exemptions remain in effect. Should the Council revisit habitat management on Georges Bank, and recommend the removal of the Closed Area II closure areas, a seasonal restriction would be in place for Closed Area II Groundfish Closure Area and the Closed Area I North Habitat Closed Area from February 1–April 15. During the closure season, the areas will be closed to all commercial and recreational vessels, except those that are transiting, fishing with exempted gears, participating in the mid-water trawl exempted fishery, and fishing with scallop dredges, unless otherwise prohibited elsewhere.

This action removes the May Georges Bank Spawning Closure. Sector vessels are exempted from this seasonal closure, rendering it virtually non-existent. Removing the closure should minimally reduce the administrative burden for sectors, as they will no longer have to request this exemption.

6. Dedicated Habitat Research Areas

In order to highlight research needs, particularly relating to evaluating the assumptions of the Swept Area Seabed Impact (SASI) model that the Council used as the basis for HMA development, this rule establishes two Dedicated Habitat Research Areas (DHRA), which will be in effect for 3 years, at which time the Regional Administrator will

consult with the Council as to whether the designation should be retained. The Council developed a series of questions to assist in this future discussion that include consideration of where in the research development process an activity is, how well it aligns with the Council's stated habitat research priorities, and what role the DHRA designation plays in the research.

This action establishes the Georges Bank DHRA (footprint is the same as the existing Closed Area I South Habitat Closure) and the Stellwagen DHRA (footprint within the existing Western Gulf of Maine Habitat Closure). The Georges Bank DHRA is closed to all mobile bottom-tending gear. The Stellwagen DHRA is closed to all commercial mobile bottom-tending gear, commercial sink gillnet gear, and commercial demersal longline gear. Maps and coordinates of the approved DHRAs can be found in Volume 3 of the EIS.

7. Framework Adjustments and Monitoring

The designation or removal of HMAs and changes to fishing restrictions within HMAs may be considered in a framework adjustment. In addition, this action establishes a review process to evaluate the performance of habitat and spawning protection measures. Finally, this action establishes a process for the Council to identify and periodically revise research priorities to improve habitat and spawning area monitoring.

8. Regulatory Changes

This rule implements measures for all of the approved measures. In order to improve clarity of the habitat-related management measures, we have reorganized § 648.81 to refer solely to year-round and seasonal closures designed for purposes of groundfish protection. All habitat-related measures, including the newly approved and existing HMAs and their accompanying regulatory text, the DHRAs and their accompanying text, and the Mid-Atlantic Fishery Management Council's Deep-Sea Coral Protection area can be found in a new subpart (subpart Q). In addition, the Council stated that all areas currently closed to scallop dredging should remain closed upon the implementation of OHA2 so that the Scallop Committee can better incorporate newly opened areas in the rotational management program. The existing EFH closures currently reside in both the groundfish (§ 648.81) and scallop (§ 648.61) regulations. This action adds the groundfish closed areas that would otherwise be removed by this action to the scallop closure section (§ 648.61) to ensure that the restrictions on scallop fishing remain in place until a subsequent scallop action can modify them. The decisions related to scallop fishing year 2018 access are being implemented via Framework Adjustment 29 to the Atlantic Scallop FMP. The regulations also update cross-references and definitions as needed. The Council deemed the regulations as necessary and appropriate, as required in the Magnuson-Stevens Act, on March 28, 2017.

9. Changes From the Proposed Rule

As described above, the differences from the proposed rule relate to the recommended measures that were disapproved by NMFS. Closed Area II Habitat Closure regulations will be reassigned to the new habitat management section in Subpart Q, while the Closed Area II Groundfish Closure Area will remain codified in § 648.81. Cross-references from other sections have also been updated to reflect these changes.

10. Comments and Responses

The Notice of Availability for this Amendment was published on October 6, 2017 (82 FR 46749), and the proposed rule was published on November 5, 2017 (82 FR 51492). The comment periods for both ended on December 5, 2017. In total, 72 comments were received; many of these comments were submitted on behalf of environmental or fishing organizations or businesses. Seventeen of the comments were not relevant to the issues under discussion in this action and were nominally about the commenter(s) concerns regarding global climate change. Those comments are not addressed here.

Comment 1: Nine comments focused exclusively on EFH, HAPC, and DHRA designations. Seven of the comments recommended approving the regulations, specifically the EFH, HAPC, and DHRA regulations, with most specifically noting the importance of the Inshore Juvenile Cod HAPC, that it was important to give other areas HAPC status because of their sensitivity to trawling, dredging, and other fishing impacts, and that these designations and related management measures can help boost the cod population. Three commenters also noted the importance of the Atlantic Salmon HAPC. Another comment supported the implementing OHA2 regulations that would allow the Council to develop analytical tools for EFH designation, and monitor the effectiveness of current/future conservation efforts.

Response: NMFS agrees that the EFH, HAPC, and DHRA regulations are necessary and appropriate when supported by the best available science. We are approving all of the Council's recommendations for these designations, including the Atlantic Salmon and Inshore Juvenile Cod HAPCs. We disagree that the 20-meter depth limit for the Inshore Juvenile Cod HAPC is overly broad. It was based on the best scientific information available that indicates a broader depth range occupied by young-of-year and 1-year-old cod.

Comment 2: The U.S. Army Corps of Engineers submitted a comment regarding the winter flounder EFH designation that the Council and NOAA/NMFS consult with them to better inform EFH conservation recommendations. They are concerned about re-suspended sediments in or near designated habitat, and its effect on Atlantic sturgeon.

Response: This comment has been forwarded to NMFS staff in the Protected Resources Division for the Greater Atlantic Region who work on Atlantic sturgeon issues to address this concern with the Army Corps.

Comment 3: Mystic Aquarium submitted a comment expressing concern for the lack of analysis and development of alternatives to conserve deep-sea corals EFH in Gulf of Maine, Georges Bank, and southern New England regions under the purview of the Council. This commenter contends that because the revision of the EFH designation for Acadian redfish includes deep sea corals, and deep sea corals have been described as the most vulnerable form of EFH in reference materials developed by the NMFS Deep-Sea Coral Research and Technology Program and the Northeast Fisheries Science Center analysis of fishing effects that the Council should analyze the fishing effects on these habitats. Because the deep-sea coral considerations were split off into a separate action, the commenter requests that we leave the status quo HMAs and HAPCs, in both the Gulf of Maine and along the continental margin south and west of Georges Bank, until a refined proposal is produced by the Council that addresses these concerns. Alternatively, the commenter suggests that the Council's ongoing coral amendment could be redirected to address these issues regarding mitigation of the effects of fishing on corals functioning as EFH.

Response: This action does not directly address the impacts of fishing on corals as a component of EFH for redfish. Additional information specific to deep-sea corals would require further development and consideration of information that was not available for

this Amendment. The Council considered what measures were necessary for deep-sea coral protection in the recently completed deep-sea coral amendment. This action implements the retention of all three status quo habitat management areas in the Gulf of Maine, with some minor modifications, and all the HAPCs along the outer shelf, largely because of their importance for deep-sea corals.

Comment 4: Eighteen comments focused on maintaining the status quo spatial management measures. Most of these comments were from members of the public who identified themselves as recreational or for-hire fishing sector participants. Most commenters specifically opposed opening the Western Gulf of Maine and Closed Areas I and II to commercial fishing, noting that they considered the closed areas to be largely responsible for the recovery of the haddock stocks. A few commenters mentioned specific support for the new closed area off downeast Maine (*i.e.,* the Small Eastern Maine HMA), the new Great South Channel HMA, and for maintaining the Cashes Ledge Groundfish Closure Area with the current restrictions. Many commenters noted that recreational fishermen are currently not allowed to possess cod in the Gulf of Maine and that allowing increased commercial fishing pressure in an area known for cod would be inconsistent with that restriction.

Response: NMFS agrees that closed areas can be an effective tool in rebuilding overfished stocks and protecting vulnerable habitat. We have reviewed the best science available in this action relating to the costs and benefits of closed areas when determining whether the Council's recommendations minimize the adverse effects of fishing to the extent practicable, and whether they meet the Amendment's goals and objectives and comply with all other laws. NMFS supports the implementation of the Small Eastern Maine HMA and implements that measure in this action. We support maintaining the Cashes Ledge Closure Area closed as recommended by the Council. We also agree that the Cox Ledge proposal should not be implemented.

We disagree that opening a portion of the Western Gulf of Maine Closure Area is inconsistent with the current restriction on recreational anglers. The Council manages Gulf of Maine cod with an overall annual catch limit (ACL) and distinct sub-ACLs for various aspects of the fishery. We believe this system is sufficient to prevent overfishing and rebuild overfished stocks. Specific management measures are developed to address the unique nature of both the commercial and recreational fisheries. The commercial fleet is primarily managed using a sector system, which further allocates the commercial sub-ACL to fishing sectors. The recreational sub-ACL is managed by setting an open fishing season, minimum fish size, and possession limit for the recreational and for-hire sectors that will prevent the sub-ACL from being exceeded.

The approved measures would reduce the area protected by about 25 percent; however, the area remaining closed has more vulnerable habitat than the area being opened. As described in the EIS, measures implemented by this rule will have a positive impact on groundfish, albeit slightly less beneficial than the status quo. Overall, however, NMFS determined that the collective measures in the Gulf of Maine represent an improvement to groundfish protections.

The Great South Channel HMA is being approved with the clam dredge exemption, contrary to the recommendations in some of these comments. The area covered by the Great South Channel HMA is currently open to fishing, including by hydraulic clam dredges, scallop dredges, and groundfish trawls. The majority of the area would be open only to clam dredges for 1 year while the Council attempts to develop more specific exemption areas. The Council notes that hydraulic clam dredges are capable of fishing in discrete areas of less vulnerable habitat around more complex structure. If, in the coming year, the Council is unable to develop a solution that effectively minimizes the adverse effects of fishing in this area while minimizing the economic impacts to the clam fishery, the exemption will expire, and hydraulic clam dredges would be prohibited throughout the HMA.

On Georges Bank, we partially agree with the recommendations to leave Closed Areas I and II as they are now. We are implementing the Council's recommendation to remove the Closed Area I groundfish and habitat closed area designations, but we are also implementing a seasonal spawning closure for Closed Area I North and a DHRA closed to mobile bottom-tending gear in Closed Area I South. We have disapproved the Council's recommendation for Closed Area II for the reasons described in the preamble of this rule.

Comment 5: The Nature Conservancy (TNC) believed some of the proposed measures likely meet the requirements of the Magnuson-Stevens Act to periodically review EFH designations and the protection of such habitats. In particular, they recommended that NMFS approve all new EFH designations; the new Small Eastern Maine Habitat Management Area (HMA); continue existing protections in the Cashes Ledge Groundfish Closure Area; and approve the Jeffreys Bank and Cashes Ledge Habitat Closure Areas. They also supported the approval of the Fippennies Ledge HMA and establishing the Ammen Rock HMA, as well as the Cox Ledge spawning area. TNC also supported the Western Gulf of Maine Habitat Closure Area and all of the Council recommended HAPCs and DHRAs.

TNC expressed concerns with new habitat closed areas on Georges Bank and framework provisions that establish a pathway to allow exemptions for hydraulic clam dredge gear in habitat closed areas. Specifically, TNC is opposed to the Council's recommendation on Georges Bank, citing their Weighted Persistence Analysis, which is an analysis and that it supports the concerns noted by NMFS in the proposed rule. TNC also opposes the exemption for hydraulic clam dredges and suggests that a workshop should be held to review very high-resolution data to identify exemption areas that would be compatible with requirements to prevent adverse impacts of fishing. The letter contends that the TNC analysis showed that, apart from the Northern Edge Reduced Impact HMA, the Council recommended management measures are not located in high habitat value areas. According to TNC, this verifies the concerns the Agency expressed regarding the Georges Bank area in its request for comments. Because TNC feels that the proposed management measures for Georges Bank do not protect high value habitat, they strongly recommended that NMFS disapprove these provisions.

Further, as TNC wrote in its comments in 2015, surfclam/ocean quahog vessel monitoring system data show that this fishery, while largely concentrated in the Mid-Atlantic and Southern New England regions, is active in the Great South Channel, off Cape Cod, and on Georges Bank. TNC also asserts that hydraulic surfclam gear is highly destructive to structured habitats, and has a lesser impact in high-energy sand habitats. TNC suggests that a collaborative workshop process informed by very high-resolution spatial data could be used to identify exemption areas that would be compatible with requirements to prevent adverse impacts of fishing.

Response: NMFS agrees that the Weighted Persistence Analysis supports

our decision for Georges Bank and notes that we referenced that information when making this determination. The Cox Ledge area was not recommended as a spawning closure and is not being implemented as an HMA for the reasons noted in the preamble of this rule. NMFS supports the idea that a workshop to identify exemption areas within the Great South Channel HMA would be beneficial to both the Council and the clam industry, should the interested parties agree on that approach as a way forward.

Comment 6: The Cape Cod Commercial Fishermen's Alliance, representing 150 fishing businesses and over 300 fishing families, expressed support for the analytical basis for the Amendment, namely the SASI and Local Indicators of Spatial Association (LISA) analyses, noting this modeling framework allowed the Habitat Committee and the Council to make well-informed decisions when recommending preferred alternatives. The Fishermen's Alliance supported the Council's full recommendation to create a new Habitat Management Area (HMA) in the Great South Channel to protect this valuable ground, including closing 12.5 percent of the northeast HMA to all mobile bottom-tending gears. Additionally, the Fishermen's Alliance asserts that the prohibitions in the remaining area for dredging are warranted, particularly given opening of nearby regions to scalloping that pose less impacts to the benthic environment. They also strongly supported the Council's decision to designate the Great South Channel Juvenile Cod HAPC, stating that these actions would reduce fishing impacts on habitat, and (coupled with the Georges Bank Seasonal Closure Area) protect valuable spawning and rearing habitat for Atlantic cod.

The Fishermen's Alliance also expressed strong support for the removal of the Nantucket Lightship and Closed Area I closures, noting the significance of the areas to the small boat scallop fishery (*i.e.,* the limited access general category fleet), specifically noting that the habitat encompassed by the current closed areas is less important for valuable species such as Atlantic cod than the habitat that would be protected under the new Great South Channel HMA.

Response: We agree with the Fishermen's Alliance that the SASI/LISA results were an appropriate starting point for the Council's discussion. Based in part on those analyses, the Nantucket Lightship and Closed Area I closures are removed in this action. We are also approving the recommendations in the Great South Channel for the reasons described above.

Comment 7: The Council submitted comments in support of implementing the measures as proposed. The Council contends that the full suite of measures submitted were in compliance with the requirements of the Magnuson-Stevens Act. The Council stated in its comment its recognition of the important habitats along the northern edge of Georges Bank for groundfish, including juvenile cod. The Council contends that its preferred approach to management on Georges Bank keeps certain areas closed to fishing with mobile bottom-tending gears, while allowing only rotational scallop fishing in most of the Reduced Impact HMA.

The Council took issue with how the preamble of the proposed rule implied that scallop fishing in the Reduced Impact HMA would be unlimited, contending that while the Council was not prescriptive about how rotational scallop fisheries on the northern edge might be conducted, this statement ignores the eighteen years of successful rotational sea scallop management since Amendment 10 to the Atlantic Sea Scallop Fishery Management Plan (FMP) formally adopted the approach. The Council also expressed concern that the preamble misconstrues the economic analysis in Volume 5 of the EIS with regard to the scallop fishery loss of opportunity versus realized costs. The Council states that they are confident that rational rotational management can be conducted on the northern edge while minimizing the adverse effects of fishing.

Finally, the Council responded to the concern that it did not give due consideration to the northern edge's status as an HAPC when deciding on measures to minimize adverse effects. The rationale for the HAPC given in the EIS notes that complex gravel habitats, especially those with structure-forming epifauna, provide cover for juvenile cod, reducing predation during a critical life history stage that may be a bottleneck for this species.

Response: For the reasons described in this rule's preamble, NMFS disapproved the Council's recommendation to allow rotational scallop fishing on the northern edge of Georges Bank. NMFS agrees that the scallop rotational program has successfully managed scallops, but the rotational program is designed to address scallop fishing issues. It was not designed specifically to minimize adverse effects on EFH or account for juvenile cod HAPC. NMFS determined that the Council did not adequately describe or consider the relationship between the frequency of scallop fishing and the recovery time scale of the habitat features that are particularly important to juvenile groundfish in the region. NMFS acknowledges that the proposed rule inappropriately misconstrued the potential lost revenues to the scallop fishery and has updated the language in the final rule. As described above, NMFS disagrees that the Council gave due consideration to the northern edge's status as an HAPC.

Comment 8: The Northeast Seafood Coalition (NSC), representing 250 fishing businesses, submitted a comment generally in favor of the Council's recommendations. The comment was careful to point out that, while NSC supports the full suite of measures recommended by the Council, it is not fully ''satisfied'' with the Amendment as a whole. Specifically, NSC is unsatisfied with retaining groundfish closure measures in the Western Gulf of Maine and on Cashes Ledge. The NSC requests that the record identify the overarching purpose of the Cashes Ledge Closure and the Council's intention in recommending that it remain closed. NSC notes that the Council was neither bound by the existing closures nor to selecting new areas of comparable size. Further, NSC states that NMFS should not be evaluating the efficiency of the proposed Georges Bank recommendations by comparing them to habitat protection coincidently provided by the existing mortality closures. NSC also questions NMFS's ''one-sided'' interest in CPUE as a relevant consideration for habitat impacts regarding the ground cable prohibition on Cox Ledge.

Response: While NMFS agrees that increases in fishing efficiency that reduces the amount of time that gear is in contact with the bottom can enhance habitat protection, increased efficiency is not the only way to minimize the adverse effects of fishing on EFH. Even highly efficient fishing with mobile bottom-tending gear can have adverse effects, defined as effects that are more than minimal and not temporary, on highly vulnerable habitat. The combination of reduced overall effort and high quality closures is one reason we supported the Council's approach that smaller HMAs that protect more vulnerable habitat are preferable to larger HMAs that cover less vulnerable habitat. As noted above, our disapproval of the Council's recommendation on eastern Georges Bank is in line with this approach. The Council recommended larger, less efficient closures as compensation for increased impacts in

highly vulnerable substrate. This is also consistent with our decision to disapprove the Council's recommendation on Cox Ledge. The Council's Plan Development Team noted on several occasions that it was unable to determine how much less efficient an average trawl would be without ground cables, and; therefore, unable to determine if total bottom contact time would be reduced or increased.

We disagree that the restrictions on gears capable of catching groundfish are unnecessary in the Western Gulf of Maine and Cashes Ledge groundfish closure areas and that these areas were not intended to support the Council's stated goals of improving protection of critical life stages, including spawning groundfish. In advance of the April 2015 Council meeting, where a motion was made to continue the protections on Cashes Ledge, NMFS advised the Council that the Council's goal of ''improving'' juvenile groundfish habitat protections would not likely be achieved without the Cashes Ledge Closure Area, particularly in combination with the reduced groundfish protections from the Western Gulf of Maine.

NMFS staff reviewed the audio recording of the April 2015 Council meeting in response to this comment. It is clear from that recording that the maker of the adopted motion for the Central Gulf of Maine made the recommendation in response to the Regional Administrator's letter dated April 14, 2015, noting our concerns relating to the Habitat Committee's recommendations in light of the Gulf of Maine cod stock status. This letter stated specifically ''there is insufficient information in the record to show that the Committee's recommended preferred alternative improves juvenile groundfish habitat protections and would likely fail to meet the Council's stated goals and objectives.'' We agree that the Council discussion on the motion was clear that the intention was for cod protection given its current status, and that when the cod is considered healthy, the Council should consider the utility of the Cashes Ledge Closure Area under those conditions. NMFS would support a review of this area, as well as the Western Gulf of Maine Groundfish Closure measures, when cod and other groundfish stocks are rebuilt. The Council can revisit the overall objectives and collection of management measures in the Northeast Multispecies FMP as stock conditions change. This review should include all measures that have been implemented or maintained in support of rebuilding stocks that may no longer be necessary when stocks recover.

Comment 9: The Massachusetts Division of Marine Fisheries submitted comments in support of the Council's recommendations, particularly those on Georges Bank, noting the decisions being developed in Scallop Framework Adjustment 29 are projected to result in lower overall groundfish bycatch, reduced open area effort, increased scallop catch, and increased revenue from access to Closed Area I and the Nantucket Lightship West area.

Response: While we disapproved the Council's recommendations for eastern Georges Bank, we are approving the recommendations to remove the Closed Area I and Nantucket Lightship Closure Areas as year-round closures. A decision on Framework 29 is pending finalization by NMFS, which, if approved, would authorize the scallop fishery to access portions of these former closure areas.

Comment 10: The Associated Fisheries of Maine (AFM), representing 25 fishing businesses, recommended eliminating closed area restrictions and allowing vessels to optimize fishing efficiency and thereby reduce the intensity and frequency of mobile gear on the ocean floor. Specifically, the AFM did not support maintaining the existing Cashes Ledge Groundfish Closure Area. AFM asserts that groundfish mortality objectives are met with annual catch limits and accountability measures. AFM contested the proposed rule claims that this closure was maintained to ''improve protection of juvenile and spawning groundfish'' because, according to AFM, the Closed Area Technical Team analysis does not show the Cashes Ledge area as either a groundfish juvenile or spawning ''hotspot.'' AFM does support the modifications to the Cashes Ledge Habitat Closure Area to allow fishery access to deep mud and sand habitats.

AFM supported the proposal to align the eastern boundary of the Western Gulf of Maine Groundfish Closure Area with the Western Gulf of Maine Habitat Closure Area, as well as the exemption to allow shrimp trawls in the northwest portion of the area. AFM did not support maintaining the current groundfish restrictions in the Western Gulf of Maine Closure Areas, noting that groundfish mortality objectives are met through annual catch limits and accountability measures, and the use of fixed gear to target groundfish (as is allowed for recreational fishing) would not negatively affect any habitat objectives for this area.

AFM supported removal of the Closed Area I and II Groundfish Closure Areas. AFM contends that the proposed exceptions to the Northern Edge should include all mobile tending bottom gear. AFM asserted that the groundfish trawl fleet with the capacity to fish offshore has been greatly reduced by low annual catch limits, and therefore the intensity and frequency of trawl access to the Northern Edge would be minimal. AFM also supported the proposal for seasonal spawning closures on Georges Bank.

Response: As noted in the response to the Northeast Seafood Coalition, while NMFS agrees that increases in fishing efficiency that reduce the amount of time that gear is in contact with the bottom can enhance habitat protection, increased efficiency is not the only way to minimize the adverse effects of fishing on EFH. (See comment #4.) NMFS disagrees that the hotspot analyses in the EIS failed to show that Cashes Ledge area is an important area for juvenile and spawning groundfish species. The analysis indicates that there are a number of species that aggregate in this area as juveniles (redfish, American plaice, silver hake, white hake, and haddock) and as large adults (redfish, red hake, and witch flounder). In addition, research in this area shows there are resident and migratory populations of cod that use this this area, and that they are growing faster and living longer than cod collected outside the Cashes Ledge Groundfish Closed Area.

Comment 11: Seven comments were received from businesses and others with an interest in the surfclam and ocean quahog fishery. All seven comments recommended that NMFS disapprove the Council's recommendations for the Great South Channel and Georges Shoal because of the economic impacts to the surfclam/quahog fishery from those HMAs. These comments also noted that if we did approve the HMAs, we should only do so if the 1-year exemption for the clam fishery were extended. The commenters varied in the preference for the extension, but they ranged from 3 or 5 years to a permanent exemption.

Response: NMFS is disapproving the Georges Shoal HMA as part of the decision to partially disapprove the eastern Georges Bank recommendation. In the Great South Channel, NMFS is approving the Council's recommendation. The Council considered a permanent exemption, but selected the 1-year option instead. Currently, the Council is developing a framework adjustment that will consider more discrete, permanent exemptions for hydraulic clam dredges

within the Great South Channel HMA. NMFS agrees with the Council that the 1-year exemption is enough time to consider more discrete exemptions, particularly because it will have been nearly 4 years since the Council took final action on its recommendations when the exemption is scheduled to expire. The Council has been considering these issues during this time. The review and rulemaking development phase at NMFS has provided an additional 3 years for the clam industry to gather data and bring recommendations to the Council for consideration.

Comment 12: Three comments were submitted specific to lobster fishery issues. The American Offshore Lobstermen's Association (AOLA), which represents the majority of offshore lobster vessels, commented on the Council's recommendations for eastern Georges Bank. Specifically, the AOLA noted that NMFS has not codified the agreement between the lobster and groundfish fleets that is designed to eliminate gear conflicts by setting seasonal restrictions for each fishery. The comment also noted that the language in the Council's motion to eliminate gear conflicts between the scallop and lobster fisheries incorporates language that differs from the industry discussions. The organization also noted that there has been an increase in Jonah crab fishing in the Nantucket Lightship area and that if the area were to open in this action, gear conflicts may arise and should be addressed. The letter submitted by the Atlantic States Marine Fisheries Commission's American Lobster Board reiterated many of these same comments. The third letter, from a student in a public policy course, expressed his concern about the lack of impact analysis for certain fishing areas, specifically referencing the AOLA letter and the expansion of the Jonah crab fishery and lobster fisheries. The commenter also noted that data relied on in the document is more than five years old and that fish and crustacean populations are likely to have shifted during that time due to climate change.

Response: We are disapproving the Council's recommendations for eastern Georges Bank, which renders the concerns about the gear conflict agreement moot. In the Nantucket Lightship area, it is difficult to know how the fixed gear fisheries may interact with mobile gear fisheries because the area has been closed and we have no data showing an expected increase in gear conflicts. We support industry initiatives to minimize gear conflict in this region. We will work with the Council and Commission to address these issues as they arise.

Comment 13: The Pew Charitable Trust submitted a comment signed by 8,493 members of the public that contends that the Amendment does not follow best available science, does not meet its own goals and objectives, and does not fulfill legal requirements to protect fish habitat, especially on Georges Bank and in Southern New England. Specifically, the letter focused on the Northern Edge of Georges Bank and the surrounding areas that have been closed to mobile bottom-tending fishing gears for over 20 years. The letter contended that the Northern Edge is one of the most ecologically important places in New England waters, and it should remain closed to dredging and trawling to provide refuge for depleted groundfish and other marine species, and that NMFS should reject the Council's proposed HMAs on Georges Bank, including the Northern Edge Reduced Impact Habitat Management Area, which would allow scallop dredging in an area that has been identified as critically important for juvenile cod since 1998. This letter also stated that all clam dredge exemptions should also be rejected, and this gear should not operate in any HMAs identified for protection. The letter further contends that in Southern New England, allowing clam dredging in the proposed Great South Channel HMA would introduce gear that is destructive to seafloor habitats. The comments also stated that NMFS should reject the Council's proposal to allow bottom trawling without ground cable in the Cox Ledge HMA because the commenters recommend that this area should be closed to all mobile bottom-tending gear. A nearly identical letter was also submitted by a private individual.

Response: NMFS agrees that, as proposed, some of the Council's recommendations fall short of achieving its stated goals and objectives for this action and the requirements of the Magnuson-Stevens Act. However, we have determined that, as approved, the Council's FMPs will comply with the Magnuson-Steven Act, and that the approved provisions of this action were based on the best available scientific information. We agree, and are disapproving, the Council's recommendations for the Northern Edge and Cox Ledge. We are approving the clam exemption, for the reasons stated above.

Comment 14: The United States Department of the Interior, Office of Environmental Policy and Compliance, Bureau of Indian Affairs urged the NMFS to engage interested Indian tribes as part of this rulemaking process and to provide such tribes a meaningful opportunity to consult directly on what impacts the rule would have on tribes and tribal resources.

Response: NOAA conducts government to government consultation with federally recognized tribes pursuant to the process identified in its November 2013 Tribal Consultation Handbook (*http://www.legislative.noaa.gov/policybriefs/NOAA%20Tribal%20consultation%20handbook%20111213.pdf*). The actions identified in this document are not expected to impact tribal rights or resources. No Federally recognized tribe expressed interest in the management measures proposed nor has any tribe commented on these measures at any time throughout the extensive public development of the Amendment.

Comment 15: Four environmental non-government organizations (Conservation Law Foundation, Oceana, Earthjustice, and the Natural Resource Defense Council; hereafter ''Conservation NGOs'') submitted a detailed, joint comment letter on the Amendment. These organizations noted their years of involvement in the development of this action and raised concern with the Amendment process. These conservation organizations contend that NMFS should not approve the Amendment until the completion of the required Endangered Species Act consultations, and that a reinitiation of the consultation that covers the affected fishery management plans is required. The Conservation NGOs also state that the Amendment does not satisfy the requirements of the Magnuson-Stevens Act, the National Environmental Policy Act, and the Endangered Species Act.

The Conservation NGOs' letter contends that OHA2 and its EIS fail to recognize the ecological importance of minimizing the impacts of fishing on EFH and actions are inconsistent with the OHA2's goals and related legal requirements. The Conservation NGOs contend that the management attention and analytical approaches on the vulnerable complex benthic habitats is too narrowly focused and does not acknowledge the potential for adverse effects to sandy or mud bottoms or the water column from fishing. The Conservation NGOs argue that this is a major deficiency of the Amendment from a Magnuson-Stevens Act, NEPA, and ESA perspective. This letter argues that the statutory task is not limited to minimizing the physical impacts of fishing gears on hard, complex benthic areas to which the bulk of the analysis in the EIS has been focused.

Response: NMFS does not agree that sandy or mud bottom habitats were ignored during the process of identifying candidate areas, or selecting preferred habitat management alternatives. The SASI model was specifically designed to assess the relative vulnerability of different types of bottom habitat to fishing gear impacts and output from the model accounted for habitat diversity with areas that included a greater proportion of more complex habitats receiving a higher score. Many of the preferred alternatives (*e.g.,* the Western Gulf of Maine, Great South Channel) include sand and mud habitats as well as rocky habitats. The Council and NMFS have also determined that EFH within the water column is not adversely affected by fishing and does not require protection from fishing activities.

Comment 16: The Conservation NGOs argue that the Amendment and supporting documentation fails to protect EFH for managed stocks that its own analysis concludes is vulnerable to fishing gears.

Response: NMFS disagrees; the intent of the action is to minimize impacts to EFH globally and more specifically to critical groundfish species. Many of the HMA alternatives that NMFS approved protect vulnerable EFH for a variety of managed stocks. (See the EFH overlap analysis for each HMA in Volume 4; Tables 7, 13, 19, 27 and 33.) Approval of the Great South Channel HMA and disapproval of the Council's proposed alternative on eastern Georges Bank was predicated on the need to protect vulnerable habitat for juvenile cod. OHA2 also includes two new juvenile cod HAPCs. Other overexploited groundfish stocks, such as Georges Bank yellowtail flounder, occupy less vulnerable sandy habitats, and were thus not the subject of area management decisions.

Comment 17: The Conservation NGOs' letter argues that the OHA2 decision-making process and the selected alternatives ignored the important Weighted Fish Persistence modeling work done by The Nature Conservancy.

Response: NMFS acknowledges that the results of the TNC analysis were not formally incorporated into the EIS until after the Council selected preferred alternatives; however, these analyses were available to the Council prior to taking final action. Further, the Weighted Persistence Analysis did factor into NMFS's decision-making process, as noted above.

Comment 18: The Conservation NGOs argue that the Amendment fails to identify significant HMA areas, virtually ignoring all of the habitat protection alternatives selected and the species hotspot and habitat vulnerable areas identified by the SASI, LISA, and Weighted Fish Persistence models. They assert numerous alternatives proposed by the Council's technical teams were eliminated by Committees or the Council out of hand, without any practicability analysis and based on multiple, legally irrelevant grounds.

Response: The work done by the Habitat PDT and the Closed Area Technical Team (CATT) was considered by the Habitat Committee when they decided which HMA and spawning area alternatives to retain for analysis. The Committee considered public comment and other information available to them to develop a reasonable scope of alternatives to address the Amendment's goals and objectives. These decisions removed infeasible alternatives because of extreme costs to the industry or insufficient EFH protection. The Council then used the analyses in the EIS to weigh the benefits and costs of each alternative and selected preferred alternatives that minimized EFH impacts without closing valuable fishing grounds. Practicability assessments in the EIS were based on a thorough analysis and comparison of the benefits and economic costs of all the habitat management areas considered in the Amendment.

Comment 19: The Conservation NGOs object to the Council's recommendations that would open extensive areas of known cod and other overfished groundfish EFH areas than are currently under protection.

Response: NMFS agrees that the Council's proposed action would have opened three large closed areas on Georges Bank and south of Nantucket, that provide habitats used by overfished groundfish species. We have approved the opening of the habitat and groundfish closed areas in Closed Area I and the Nantucket Lightship area, but not in Closed Area II. Our decision to disapprove the proposed alternative on eastern Georges Bank is based, in part, on the high EFH value of the northern edge of Georges Bank for cod and the low overall EFH value of the Georges Shoal area. We believe the analysis in the EIS shows that fishing impacts on more vulnerable hard bottom habitats used by overfished groundfish species (*e.g.,* cod) will continue to be minimized by the OHA2 regulations even with the opening of Closed Area I and the Nantucket Lightship Closure Areas. Other overfished species like yellowtail flounder utilize less vulnerable sandy habitats, so opening closed areas will have less of an impact on their habitats than opening areas more complex habitats.

Comment 20: The Conservation NGOs contends that the Amendment contains only cursory references to reduced availability of prey species and does not discuss the loss of prey species and their habitat. They state this action does not adequately analyze the potential adverse effects to EFH for managed species consistent with the Magnuson-Stevens Act's requirement to minimize the adverse effects of fishing to the extent practicable.

Response: NMFS acknowledges that prey is a component of EFH, as defined by the EFH final rule. NMFS and the Council considered effects on prey to the degree afforded by the best available science. The Habitat PDT attempted to include infaunal prey organisms in the vulnerability assessment for SASI, but there was not enough information regarding the impacts of fishing gear on individual prey species and species groups. A section of the EIS describes what is known about the loss of prey species and their habitat and an appendix that summarizes available information on their distribution in the region. There was not enough spatial information available on the distribution and abundance of prey to use in defining habitat management alternatives. In addition, the Council's approach to focus on vulnerable substrate important to managed species indirectly protects epifaunal invertebrates that occupy gravel and rocky habitats substrates and are eaten by fish and the habitats that are important to prey.

Comment 21: The Conservation NGOs contend that, with the limited exception of the eastern Gulf of Maine, there are no alternatives that expand the area of existing protections within current closed areas or the size of currently protected areas.

Response: This is accurate; however, expansion of existing protections within current closed areas or the size of protected areas is not the charge to the Council from the Magnuson-Stevens Act. NMFS and the Council have made it clear from the beginning that size of HMAs alone is not sufficiently effective for maintaining habitat protections that minimize adverse impacts to habitat to the extent practicable. It is more effective and efficient to close smaller areas with a higher proportion of more vulnerable habitat and increase fishing access to less vulnerable areas. This provides for an improved balance of short- and long-term costs and benefits for minimizing adverse fishing impacts to the extent practicable.

Comment 22: The Conservation NGOs argue that because practicability by definition means ''capable of being put into practice or of being done or accomplished: Feasible,'' if an EFH impact minimization measure can be feasibly done, then it must be done. In several places, they compare to the North Pacific Council's Alaska EFH plan and the Pacific Council's Groundfish Amendments, where there were specific analyses on the amount of revenue put ''at-risk'' from the measures, ranging from $2.4 to 36.3 million, depending on the Council/alternative. They further argue that ''balancing'' between habitat protection and economic costs is not what is required under the EFH language.

Response: NMFS does not agree that it is necessary to compare the approaches to minimizing adverse effect from fishing on EFH from other regional fishery management councils. Each council is afforded the flexibility to determine what is practicable for its particular fisheries and habitats. The recommendations made by the North Pacific and Pacific Councils, and the decisions made by NMFS in approving those recommendations, may be looked at for guidance on a particular approach, but it is not required.

Practicability does not mean to the extent possible. NMFS disagrees with the assertion that the Magnuson-Stevens Act requires any EFH protection that is possible. The Magnuson-Stevens Act requires minimizing adverse fishing impacts to the extent practicable. NMFS agrees that this consideration includes what is feasible. But feasible means that which is capable of being done. ''What is capable'' is determined by an analysis and consideration of of the nature and extent of the adverse effect from fishing on EFH and the long- and short-term costs and benefits of potential management measures to EFH, associated fisheries, and the nation.

Comment 23: The Conservation NGOs stated that the economic/displacement discussion ''ignores the reality of New England fisheries where gross revenues for the groundfish fleet have increased dramatically in the past two decades despite ever-escalating regulatory limits and the current habitat closures.''

Response: The statement that gross revenues in the groundfish fishery have ''dramatically increased'' over the past two decades is not supported by the facts. While there were increases in gross revenues in a few years, the overall trend in revenue has been downward, when adjusting for inflation, since 1981. See the ''Measuring the Effects of Catch Shares Project'' *http://www.catchshareindicators.org/.*

Comment 24: The Conservation NGOs further contend that the practicability analysis fails to adequately account for the role that closed areas play in hedging against the numerous forms of uncertainty inherent in both the marine environment and in attempting to manage an extractive industry within that natural environment. The letter also argues that the practicability analysis fails to provide a model or other meaningful support for its assumptions related to the likely human behavioral responses to management measures. The Conservation NGOs said that the heavy reliance on a simplistic analysis of the impacts of lost revenues on the fleet without consideration of human behaviors that might mitigate against potential short-term loss renders the estimate of the practicability of a given measure grossly unreliable and often improperly inflammatory.

Response: The Council considered potential behavioral responses to the degree available information supported responsive measures. The EIS acknowledges that there was no objective way to predict how fishermen would respond to new area closures, and the results of the analysis are described as ''revenue at risk'' calculations. While these calculations could have over-stated costs of area closures, NMFS believes that they provide a reasonable basis for incorporating potential uncertainty into what may be practicable. Further, our partial approval decisions were based on a careful evaluation of the habitat benefits and economic costs of the proposed alternatives.

Comment 25: The Conservation NGOs maintain that NEPA obligates NMFS to make available a redline version of the EIS for public review, and failure to do so violates NEPA requirements. The groups also object to the ''ad-hoc'' method of developing the final Council alternative on Georges Bank because it was not within the range of previously analyzed alternatives. In addition, the letter points out that The Nature Conservancy's weighted persistence analysis was not formally incorporated into the draft EIS prior to the June 2015 decision meeting. The environmental organizations also argue that the EIS fails to include an adequate range of alternatives because, while the Council included an alternative that would have removed all closures, there was not an equally extreme alternative on the other end of the spectrum. The group also contend that EIS is deficient in that it fails to develop or analyze any alternatives that include mitigating the ubiquitous impacts of lobster gear on EFH. The letter goes on to argue that the analysis in the Amendment is further flawed by its failure to consider all the adverse environmental effects to EFH associated with the alternatives. Instead, the Conservation NGOs argue that the analysis relied too heavily on the SASI/LISA tools to predict all environmental impacts.

Response: NMFS disagrees that the Council and the Agency failed to appropriately comply with NEPA. There is no requirement to provide a ''red-line'' version of the EIS for public review. Further, the Council did not limit itself to only one end of the spectrum of possibilities. The Amendment included a reasonable range of alternatives that addressed a wide spectrum of impacts that were detailed with thorough analysis that sufficiently informed the public, the Council, and NMFS. This allowed the Council and us to take a hard look at the impacts of the potential choices. For example, each sub-region, with the exception of the Central Gulf of Maine, which was smaller than other areas and addressed by changes to the Cashes Ledge area, included an alternative or a potential combination of areas that would have dramatically increased either the total size or total vulnerable habitat covered by a closure area. The Council's selection of Alternative 10 on eastern Georges Bank, while insufficient for addressing the requirements of the Magnuson-Stevens Act and the Amendment's goals and objectives, was within the range of alternatives previously analyzed. Further, the Georges Shoal HMA that the Council recommended was included in Alternative 7, and the concept of the Northern Edge Reduced Impact HMA, combined with a mobile bottom-tending gear closure to the south, was substantially and materially similar to Alternative 9.

The Conservation NGOs do not provide any information that was overlooked that would have better informed the Council's actions or our decision. Nor do they provide information that contradicts our decision. The groups specifically point to the Bigelow Bight areas designed by the CATT as an example that would have better informed the Council's decision if it were included within the range of alternatives. However, a large version of that area was incorporated in Western Gulf of Maine Alternatives 3 and 4, and a smaller version was in Western Gulf of Maine Alternative 5. Some of the CATT areas in the Western Gulf of Maine extended into state waters, and the Council determined it would be inappropriate and ineffective to implement closures in state waters

because they would only apply to federally permitted vessels and only fishing in state-waters would still be allowed. The Nature Conservancy's weighted persistence analysis was not formally incorporated in the draft EIS that was prepared for the April and June 2015 Council meetings because the information was received too late to be directly incorporated in the document. However, the information was distributed to Council members and was made available to the public in advance of those meetings.

The SASI model that was used as a first step in identifying potential HMAs included an analysis of the effects of fixed gears, such as lobster traps, and concluded that those impacts are minimal. For this reason, they were not considered when developing gear management options in OHA2. As described in the response to Comment #15, NMFS determined that the impacts to non-rocky habitats were addressed appropriately. Further, the Council analyzed and selected preferred alternatives partly based on output from the SASI model as well as information from a number of other sources, not just the vulnerability scores from the model. We are not sure what is meant by ''all the adverse environmental effects to EFH associated with the alternatives.'' The only effect the Council is obligated to minimize is adverse impacts from fishing. To the extent that these effects are mitigated by natural disturbance factors, these were considered by the Council and NMFS in selecting and approving final HMA alternatives.

Comment 26: The Conservation NGOs supported the revised EFH designations; however, they contend that because the Phase I EFH designations were completed in 2007 and reviewed in 2011, they are now beyond due for the mandated five-year review, even before they are approved and implemented. They state NMFS must initiate action to analyze and confirm the validity of the information supporting these changes. Any required revisions should be immediately addressed through an appropriate action.

Response: The EFH final rule states that EFH designations ''should be'' revised, as necessary, every five years. The regulations do not require this. Updating the designations further in this action was impracticable. It could have further complicated and delayed this action. In practice, there is a great deal of variability in the timing of the EFH reviews conducted by the Councils and NMFS from region to region. Because it has been 20 years since the original EFH designations were approved in the region, we agree that the Council will need to consider review of EFH designations in upcoming future actions. That review, however, is not part of the decisions made in this document.

Comment 27: The letter noted that the Conservation NGOs are deeply concerned that known coral areas in the Gulf of Maine that are essential habitat for Acadian redfish were not designated as HAPC, and requested that NMFS direct the Council to review those habitats for designation under the HAPC criteria, especially because the Council's Coral Amendment will not protect those areas.

Response: The EFH Final Rule does not require the Councils or NMFS to establish HAPCs. The Council is currently finalizing its Deep-Sea Coral Amendment, which will address deep-sea coral protection issues in the Gulf of Maine.

Comment 28: The Conservation NGOs further insisted that NMFS initiate action to use the final rule for OHA2 to confirm that each HAPC reflects current understanding about the vulnerability and susceptibility of these areas to fishing impacts. The comment states that any required revisions should be immediately addressed through an appropriate action.

Response: There is an analysis in the EIS that shows there is a high degree of spatial overlap of EFH within the HAPCs for several groundfish species that occupy more vulnerable hard bottom habitat. The EFH value for adult Atlantic cod, for example, is high in four of the five HAPCs and high in three of them for juvenile cod. The results for haddock are similar. Winter flounder EFH overlaps highly in three of the five HAPCs. Although there is no analysis that directly addresses the vulnerability of these areas to fishing impacts, the HAPCs are clearly well located in areas with vulnerable habitats used by managed species of groundfish. The EIS also describes, in general terms, the susceptibility of each HAPC to anthropogenic stresses, including fishing, because that is one of the criteria that were used to justify the designations. There are also maps indicating how well the HAPCs coincide with the proposed HMAs. In some situations, an HAPC is entirely contained within an HMA and, in others, it is partially included in an HMA. NMFS agrees with the Council that the HMAs include appropriate habitat protections associated with the HAPCs, with the exception of the Northern Edge Juvenile Cod HAPC. The proposed management measures in the Northern Edge Reduced Impact HMA did not appropriately protect the HAPC from fishing impacts. This was one reason why the proposed alternative on Georges Bank was disapproved.

Comment 29: Generally, the Conservation NGOs believe that the habitat protection measures in the Gulf of Maine do not minimize the adverse effects of fishing on habitat to the extent practicable. Specific to the eastern Gulf of Maine, the groups contend that because vulnerable EFH must be protected from fishing impacts to the extent practicable in this amendment, selection of the Small Eastern Maine HMA as the preferred alternative is irrational. The alternative is not the most protective of the alternatives considered or of alternatives considered but rejected earlier on practicability grounds, coming in somewhere ''in the middle'' of the alternatives considered in the area. The Conservation NGOs also assert that this alternative also encompasses very little of the areas identified by The Nature Conservancy in its peer-reviewed Weighted Persistence Analysis, which identified this area as one of the highest scoring areas in the entire region.

Response: NMFS did note some concerns when preferred HMAs were being selected that prohibitions on the use of mobile bottom-tending gear in this area would do little to minimize the adverse impacts of this gear because there is little use of that gear in the area currently. NMFS acknowledged that the overall increase in protection in the region is relatively small. However, the same could be said for the other HMA alternatives in eastern Maine. This area was correctly deemed the most practicable because it was not adjacent to disputed waters just inside the U.S.-Canadian border and because it provided nearly the same degree of habitat protection as the Large Eastern Maine area. The primary benefit of any HMA in eastern Maine is to protect vulnerable bottom habitats from any future resumption of groundfishing, which used to be more active there.

Comment 30: In the Central Gulf of Maine, the Conservation NGOs contend that the failure to designate the entire Cashes Ledge Closure Area as an HMA with appropriate protections is inconsistent with statutory mandates, the goals and objectives of the Amendment, and the extensive record associated with this action. The letter says that it was one matter to have this area treated largely as a groundfish closure historically, but the Amendment process is intended to advance all feasible EFH habitat protection as such, not just as a beneficiary of closures or openings associated with managed species FMPs. The commenters

maintain that the entire current Cashes Ledge Closure Area should be identified as a habitat management area and managed accordingly to prohibit all commercial fishing, including gillnets in the water column EFH and the pelagic mobile gears may contact the bottom. The commenters contend that managing the area solely as a ''groundfish mortality closure'' leaves open the possibility that it will be re-opened by the Council whenever it determines that groundfish stock conditions have improved sufficiently.

The letter also argues that it is inconsistent with statutory purposes and the goals and objectives of the Amendment to reduce the size of the existing Cashes Ledge Habitat Closure area by 27 percent. In addition, the commenters suggest that the Council's proposed action in this sub-region was based in part on poor quality substrate data and a reliance on ''general knowledge,'' particularly in regard to the extent of rocky bottom in the vicinity of Cashes Ledge and the predominance of muddy substrate in the deeper portions of the Cashes Ledge Closure Area. Re-designating current groundfish closures as habitat closures and expanding the existing protections for the Cashes Ledge Closure Area to include all gears would also represent an appropriate precautionary approach in light of the lack of survey data available for this area and the severely depleted status of Gulf of Maine cod.

Response: NMFS agrees with the Council recommendation that maintaining the gear regulations that have been in place since the closure was established in 2002 meets the EFH requirements to minimize the adverse effects of fishing on habitat. Maintaining these restrictions allow the protections afforded to the diversity of habitat types it encompasses to remain in place and more effectively protect the resident groundfish resources from fishing than regulations associated with HMAs that only prohibit the use of mobile bottom-tending gears. NMFS agrees that this is a reasonable approach to achieving the stated goals and objectives of the Amendment. As noted in the response to Comment #4, the Council voted to maintain the Cashes Ledge Closure Area in response to our concerns that the goals and objectives relative to critical groundfish life stages, among others, would be compromised if these protections were removed. The Council could decide in the future to remove the fishing restrictions in response to the full recovery of Gulf of Maine cod and other important groundfish stocks. The Council would need to consider how the changes minimize the adverse effects of fishing on EFH to comply with the Magnuson-Stevens Act.

NMFS does not agree that this area should be designated as an HMA in order to prohibit all commercial fishing activity, including mid-water gillnets and trawls. Mid-water gears are not designed or intended to contact the bottom and do not impact marine habitats in any significant way so there is no need to prohibit their use in this area. In addition, the analysis in the EIS indicates that the Cashes Ledge HMA could be reduced in size without compromising the habitat protection benefits of the closure. NMFS agrees, and is implementing the Council's recommendation to modify the HMA on Cashes Ledge. NMFS agrees that substrate and resource survey data quality is poor in the central Gulf of Maine, but is convinced that the Council made the best possible use of available scientific information and did not make any unjustifiable decisions when selecting preferred alternatives in this sub-region.

Comment 31: In the Western Gulf of Maine, the commenters argue that the Amendment's proposal to reduce the size of the current areas with year-round habitat protection by 25 percent and to increase the gear exemptions within the closure is inconsistent with section 303(a)(7) requirements, unless it were infeasible for the Council to realize greater habitat and managed species benefits by protecting a larger area with more restrictive measures. Based on the information in the EIS, the commenters argue that the No Action Alternative 1 (unmodified) is clearly the rational preferred choice to the Western Gulf of Maine Preferred Alternative, as it realizes more habitat benefits at virtually the same fisheries cost.

Response: We approved the Council's proposed action because the bottom habitats just outside the eastern boundary of the current groundfish closure are primarily deeper, low vulnerability mud habitats. NMFS determined that allowing access to this area and maintaining the prohibitions on a wider variety of gears capable of catching groundfish in the smaller area would continue to minimize the adverse impacts of fishing and protect groundfish resources at approximately the same level. Allowing the groundfish fleet into productive fishing grounds located just outside the eastern boundary of the Western Gulf of Maine HMA maintains approximately the same level of protections in a less costly, more practicable way.

NMFS disagrees that that the exemption for shrimp trawls in the northwest corner of the closed area negatively impact the protective measures of the closures. Shrimp trawls are not allowed to have ground cables; they are used in deeper, muddy bottom habitats; and are equipped with a grate to reduce the catch of juvenile groundfish. Furthermore, the shrimp resource is currently in very poor shape to the extent that fishing has been completely or severely restricted in recent years.

Comment 32: The Conservation NGOs argue that the Council should have selected Western Gulf of Maine Alternative 3 with Options 1 or 2 or Alternative 4 with Options 1 or 2, arguing that both perform the best in terms of minimizing the impacts of fishing on EFH and, with only moderately to slightly negative social and economic costs, both of those alternatives are feasible. They assert that any other selected alternative would be inconsistent with the record and contrary to law.

Response: Both of these alternatives include the Large Bigelow Bight HMA, which the Council did not propose for approval because of their negative social and economic costs. NMFS agrees with the Council's determination that they would incur unacceptable costs to the industry, particularly the inshore groundfish fishery and are, therefore, impracticable.

Comment 33: The commenters suggest that Council's proposed alternative on George Bank should be rejected by NMFS and returned to the Council for further development, public review and comment, and future action because the proposed assortment of HMAs do not minimize, to the extent practicable, the effect of fishing on the EFH in the Georges Bank sub-region. Of the alternatives considered, the alternatives that scored the highest in terms of biological benefits to habitats and managed resources from the habitat protection measures proposed were Alternative 6, Options 1 and 2 and Alternative 8, Options 1 and 2. The Council determined these alternatives (Alternatives 6 & 8 with Options 1 & 2) to be superior to the proposed suite of management measures (Alternative 10 with Options 1 & 2) for habitat generally and the large mesh groundfish resource. Economically, the preferred Georges Bank alternative (Alternative 10) is expected to provide similar short- and long-term economic impacts as the nine other alternatives/option combinations that were considered, including the No Action alternative.

Further, the letter notes that there is little, if any, social or economic cost to continuing the closed habitat areas on Georges Bank because these areas have

been closed for many years. The limited access scallop fishery will continue to be profitable if these areas remain closed. In addition, the proposed Georges Bank HMAs do not satisfy the objectives of OHA2 to improve protection of critical groundfish habitats or improve refuge for critical life stages (*e.g.,* spawning fish) and they are inconsistent with the Council's designation of the Northern Edge Juvenile Cod HAPC that was established in 1998.

Response: NMFS agrees that there are no new direct costs to the industry if the status quo is maintained, although we acknowledge there has been substantial lost opportunity costs due to the closure of the northern edge that would continue. (See Comment #7.) NMFS agrees with the comments relating to the goals and objectives of OHA2 and the comment that the Council's proposal for eastern Georges Bank is inconsistent with the designation of the area as a juvenile cod HAPC, for the reasons described in the preamble. Because NMFS determined that the combination of newly approved and existing measures that will continue allow each of the Council's FMPs to comply with the EFH requirements of the Magnuson-Stevens Act, we did not remand the entire proposal to the Council for action. The Council may choose to revisit habitat protection on the northern edge, and NMFS would provide the necessary support and guidance throughout that process as we did for this Amendment. In order to address a number of the concerns cited in the preamble regarding the disapproved measures, NMFS contends that any future action should thoroughly evaluate the geographic extent, duration, and frequency of any future scallop dredging activity within any new access area on the northern edge of the bank and the habitat features that are used by groundfish at critical life stages that need to be protected from impacts.

Comment 34: Specific to the Southern New England region, the commenters note that the Amendment considered more than a dozen alternatives and options to conserve EFH in this sub-region, yet the Council proposed an alternative that does not minimize adverse effects on EFH to the extent practicable, does not satisfy the goals and objectives of the Amendment, and does not effectively conserve the newly designated Habitat Area of Particular Concern in the Great South Channel sub-region. The Council considered an alternative (Alternative 3) that could have achieved these multiple tasks in Great South Channel East HMA, yet chose a less protective area for its preferred alternative. In addition, by failing to account for the displacement of fishing effort, the Conservation NGOs suggest that the EIS does not adequately evaluate the practicability of any of the action alternatives that were considered.

Response: The Council is not required to select the most protective alternative, regardless of economic impact, but must also consider their costs and benefits. The analysis in the EIS shows that the selected alternative does minimize impacts to the extent practicable and complies with the requirements of the Magnuson-Stevens Act. NMFS agrees with the Council that the Great South Channel HMA is a practicable HMA that minimizes adverse impacts of fishing on vulnerable EFH.

Further, unlike the Northern Edge HAPC, the Great South Channel Juvenile Cod HAPC is vulnerable to non-fishing impacts, as well as fishing impacts. The Council considered the HAPC and how to mitigate or compensate for adverse fishing impacts. NMFS determined that the Council's approach to overlaying fishing restrictions on the substantial amount of complex, gravel, cobble, and boulder habitat within the HMA, but outside of the HAPC, is an appropriate approach in this area, rather than simply relying on the boundaries of the HAPC to dictate where the HMA protections should be.

Comment 35: The chief concern of the Conservation NGOs with the Council's proposed action in Southern New England is the temporary one-year exemption for hydraulic clam dredges that allows them to continue fishing in most of the area. The Conservation NGOs maintain that if clam dredging is allowed to continue in areas of vulnerable bottom habitat after the exemption expires, the habitat protection benefits of the HMA will be substantially compromised.

Response: As approved, clam dredging will be prohibited in the Great South Channel HMA after one year. The Council considered the clam fishery's unique fishing activity as providing a possible basis for allowing limited fishing that would not substantially impact EFH for an additional year. The 1-year delay in the closure was predicated on the understanding that the Council and the clam industry would be working to identify the less vulnerable portions of the Great South Channel HMA where hydraulic clam dredging could be allowed to continue in such a way as to not compromise the protective benefits of the HMA overall. NMFS is working with the Council to ensure that any future framework adjustment achieves these goals and, as stated in the framework's problem statement, that any potential long-term clam dredge exemption meets the goals and objectives of this Amendment.

Comment 36: The Conservation NGOs further argue that all of the alternatives that use gear modifications, such as trawl cable restrictions or elevating disks, to reduce the impacts of fishing on EFH rely on unproven methods to reduce adverse effects of fishing on EFH. Because these gear modification options would allow continued fishing in these vulnerable areas with no objective assessment of their singular or cumulative adverse effects on EFH, the commenters argue that the measures should be disapproved.

Response: NMFS agrees and has disapproved the Council's recommendation on Cox Ledge based on the recommendation of the Council's PDT that there was still too much uncertainty regarding the loss in efficiency from the modified gears to understand if adverse effects would be increased or reduced.

Comment 37: The Conservation NGOs state that the DHRAs will enhance habitat research and adaptive management, but that the proposed sunset provision that allows the DHRAs to lapse after three years if no habitat research is undertaken is unrealistic. The process of developing a research proposal, obtaining funding, and completing all necessary planning can take well more than three years.

Response: NMFS agrees that the DHRAs are an important component of the Council's overall plans to continue to improve habitat research and management. NMFS disagrees that the 3-year sunset provision is inadequate. The EIS describes a variety of considerations that the Regional Administrator should take into account when determining if a DHRA designation should be maintained, including whether funding has been requested (not simply obtained). The most important consideration will be that the research requires the DHRA to be successful and that it supports achieving the Council's stated habitat research goals.

Comment 38: The Conservation NGOs argue that the reductions of spawning measures from the status quo, specifically the reduction of current year-round groundfish closure areas to the seasonal areas recommended in the document, insufficiently protect spawning stocks and that there should be no exemptions from the spawning closures because any fishing can disturb spawning activities. They further assert that the spawning measures need to address all managed species and all closure areas should also be

redesignated as spawning protection areas. They do not support selection of Northeast multispecies Framework Adjustment 53 spawning measures.

Response: The Council has and continues to address spawning protection with a variety of approaches, generally relying on species- or fishery-specific actions. NMFS agrees with the Council that the measures proposed in this action augment existing spawning protection measures previously enacted, and, in combination with the approved HMAs, achieve the requirements to minimize to the extent practicable the adverse effects of fishing on EFH.

Comment 39: The Conservation NGOs contend that the proposed frameworking measures in the Amendment are directly contrary to NMFS guidance and should be disapproved. By adopting an exhaustive list of issues that can be addressed in a framework adjustment, the Council will make virtually anything possible through an abbreviated framework process that can take place in as few as two Council meetings. The commenters argue that this approach will make the proposals to modify, adjust, or reduce management restrictions implemented through this Amendment a continual target and will not provide these areas the long-term protection that they require.

Response: NMFS disagrees. Framework measures are limited to adjustments to FMPs and amendments. The frameworkable measures allow the Council to modify or adjust previously considered measures through a less onerous approach, provided the measures are not novel or substantial, and this is considered when determining in what manner a council may address the need for management changes. Further, the Council's collection of FMPs will still be required to comply with the requirements of the Magnuson-Stevens Act to continue to minimize to the extent practicable the adverse effects of fishing on EFH. As such, substantial changes in habitat measures would only be permitted if the Council could demonstrate, and NMFS agreed, that the changes would not compromise that requirement.

Comment 41: The Fisheries Survival Fund (FSF), representing over 250 full-time active Atlantic scallop limited access permit holders, submitted a detailed comment recommending that we fully implement the amendment as recommended by the Council as quickly as possible, with the exception of the ''lobster closure'' within Closed Area II. FSF contends that fishery closures in historic areas of scallop abundance, as considered in certain alternatives, directly threaten the future success of scallop area management. Providing access to the most productive areas decreases scallop dredge bottom time and promotes bycatch reduction, cost efficiency, and safety, and fosters economic stability in our fishing communities.

FSF notes that the Magnuson-Stevens Act allows actions for habitat management only within a ''practicability'' standard, and requires FMPs only to avoid, minimize, or compensate for adverse impacts to habitat from fishing, and that the Council's recommendations properly weighed these mandates in choosing preferred alternatives from the many options available. That is, the letter contends the Council's recommendations balanced a comprehensive and strategic approach to protecting the improvement of fish habitat in New England with economic benefits to fisheries communities and the achievement of optimum yield.

Response: NMFS agrees that the Magnuson-Stevens Act requires the Council to avoid, minimize, or compensate for adverse effects from fishing on EFH in manner that is practicable. NMFS determined that, for the majority of the Council's recommendations, this requirement was met. However, for the reasons described above, the Council's recommendations for eastern Georges Bank did not. As FSF noted, the Magnuson-Stevens Act requires a habitat protection measure to meet two standards. While the recommendations for this region may have been practicable from an economic standpoint, they fell short of minimizing or compensating for adverse effects of fishing on highly vulnerable habitat, and within an HAPC designated specifically because of its vulnerability to fishing impacts.

Comment 42: FSF notes that fishery management decisions must be based on the best scientific information available. FSF asserts that, despite the Council's thorough efforts to update the scientific record and the abundance of scientific information upon which its preferred alternatives were selected, NMFS and the EIS continue to inappropriately rely on biased, qualitative statements to negatively characterize the Council's preferred alternative for Georges Bank (and, to a lesser extent, for Southern New England). The letter states that NMFS ''falsely rel[ied] on the premise that any decrease in total area where fishing is prohibited results in negative impacts to habitat protection—regardless of the quality of habitat located in those areas—and that closed areas, once closed, should not re-open regardless of what science dictates.'' FSF also notes that not only does the SASI model not support the contention that ''bigger is better'' for habitat closures, but asserts that NMFS staff advocated for this approach.

Response: NMFS agrees that fishery management decisions need to be based on the best scientific information available, and that overall, the Council's recommendations meet these standards. However, the SASI model and LISA cluster analyses were not developed to be the sole basis for habitat management decisions. For example, in areas where there is relatively poor data, the SASI model outputs, and consequently, the LISA cluster analysis, can overestimate the coverage of vulnerable substrate in a specific area if a single data point is ''blown out'' as the grid develops. This is why the Georges Shoal HMA appears, through the LISA cluster results, to be highly vulnerable. The Council's PDT, recognizing this shortcoming, removed the layers of the LISA cluster analysis to examine the underlying substrate data. Doing so, reveals that the Georges Shoal HMA is not a highly vulnerable area. Further, the SASI/LISA analyses are not the only measures of habitat value in the EIS. As described above, the utility of the area to fish stocks, represented by the EFH overlap analyses, demonstrate that the Georges Shoal HMA value is low, despite its much larger size, than current Closed Area II Closure Area. FSF assertion that NMFS required a ''bigger is better'' approach is an incorrect characterization of the Agency's advice during the development of the Amendment and of our decision. NMFS staff routinely pointed to the idea that smaller, higher quality closures were preferable to larger, less efficient closures in areas of less vulnerable habitat. We contend that our decision to disapprove the Council's recommendation on eastern Georges Bank supports this approach. The combination of the Council's two mobile bottom-tending gear closures are significantly larger than the existing Closed Area II habitat closure; however, these areas are less efficient in protecting vulnerable habitat, and, despite their size, include less EFH for managed species and life stages, as described above.

Comment 43: FSF states that NMFS must approve any FMP amendment submitted by a council unless that amendment is inconsistent with the law; that OHA2 is consistent with all relevant laws; therefore, it must be implemented as submitted, with the exception of the lobster closure, ''even if some on NMFS' staff may not have

selected the same alternatives the Council did.''

Response: NMFS agrees that we are obligated to approve any FMP amendment submitted by a council if that action is determined to be consistent with applicable law. NMFS disagrees that all of the Council's recommendations met this standard and; therefore, disapproved the portions of the Amendment that did not. Throughout the development of the Amendment, there were alternatives in many areas that NMFS staff appropriately advocated for that were ultimately not selected as preferred. However, with the exception of eastern Georges Bank and Cox Ledge, NMFS approved the Council's recommendations.

Comment 44: FSF states that through the process of developing this amendment, the Council and its committees made enormous scientific advances using both new and existing analytical tools, relying on far more detailed substrate profiling information that was not available when the existing closures were implemented in the first Omnibus Habitat Amendment in 1998, such as scallop video survey work by the University of Massachusetts' School for Marine Science and Technology, and that, therefore, spatial management for habitat conservation purposes will be improved by the selection of any science-based alternative.

Response: NMFS agrees, however, the scientific information presented in the EIS by the Council recognizes that there are areas within existing closures that are highly vulnerable to the adverse effects of fishing and that warrant continued protection. NMFS determined that the Council's recommendations for eastern Georges Bank and Cox Ledge were not adequately supported by the scientific information in the EIS, for the reasons described above.

Comment 45: FSF notes that the supporting analyses for the EIS and proposed rule completely omit any consideration of possible unintended consequences that can, and do, result from effort displacement in areas with mixed fisheries. FSF contends that such consequences could readily nullify any possible benefits of closures or even incur greater harm to fishery resources. Failure to consider fishermen's behavioral changes associated with closures can undermine the achievement of fishery management goals.

Response: NMFS agrees that displacement of fishing effort from an area that is closed into an area that is open to fishing could have an unintended consequence of increasing habitat impacts in the open area, especially if it causes increased impacts on sensitive habitats that have not previously been exposed to much bottom fishing activity.

However, this is not likely to happen in the region affected by this action. With the exception of the clam fishery operating in proposed habitat management area east of Nantucket, none of the new HMAs that were approved are located in areas where there is much mobile bottom-tending gear fishing activity that could be displaced into vulnerable habitat areas. Hydraulic clam dredge vessels that fish here are likely to shift into nearby, less vulnerable sandy habitats in the current Nantucket Lightship Habitat Management Area (which will open because of OHA2) if and when they are required to stop fishing in the new Great South Channel HMA. In general, any vessel that is forced to leave a recently closed area is more likely to move into an area that is already being fished rather than a new undisturbed area, in which case the effects of the additional effort will have little added impact on the quality of bottom habitats. In this more likely scenario, the habitat benefits of prohibiting fishing in a closed area would exceed the habitat losses caused by additional bottom contact in an open area.

Comment 46: FSF also suggests that because management measures were developed based on consideration of whole sub-regions, the Council's proposed measures provide far better protections for the depleted Georges Bank cod stock. FSF's letter states that the proposed action on Georges Bank closes approximately 1,120 nm^2 of ocean bottom in areas of ''high vulnerability.'' They further note that the areas cover over 600 nm^2 of cobble, boulder, and granule pebble habitat, which in total exceeds all three no action habitat closures combined, and that a large area that is currently open with ''demonstrably high habitat vulnerability on Georges Shoal would be completely closed to fishing.'' They also note that most of the existing Northern Edge habitat closure would remain closed and that only the Northern Edge Reduced Impact HMA would be open to rotational scallop fishing. Last, they state that the Great South Channel HMA covers 1,400 nm^2 that is highly vulnerable, and that this alternative ''includes more than sufficient mitigation measures to offset this action.''

Response: As noted above, the suggestion that the Georges Shoal HMA is more vulnerable than the Northern Edge HAPC area is demonstrably incorrect. Our conclusion is based on other indicators of habitat suitability and vulnerability in addition to the output from the SASI model, which the Council relied on to initially identify areas of more vulnerable habitat where other information (*e.g.,* EFH value, substrate composition, and stability) proved to be more useful. The mean SASI vulnerability scores for bottom trawls for the Georges Shoal area are higher than for the HAPC, but only by about 4 percent and because the HAPC was sampled more intensively. Data support for substrate—the key underlying data for the SASI model—is much higher there than on Georges Shoal.

We agree that it is important to evaluate the benefits of spatial habitat management measures across individual groundfish stocks and that the effects of these alternatives on the Georges Bank cod stock in the Great South Channel and Georges Bank sub-region was not explicitly weighed against each other in this action. Nevertheless, this action includes the goal of improving groundfish protections overall. Because the Georges Bank cod stock is in such poor condition, protection for juvenile cod in both the Great South Channel and on the northern edge of Georges Bank is a positive element of this action. Improving benefits to the Georges Bank stock of cod is best achieved by approving the Great South Channel HMA and disapproving the proposed HMA in Closed Area II. Further, the rationale for the Council's proposals on eastern Georges Bank does not adequately justify allowing an increase in adverse effects from fishing on an HAPC that was designated specifically because of its vulnerability to fishing.

Comment 47: The FSF letter also contends that the HAPC is appropriately treated because Reduced Impact HMA extends into currently open fishing area (that would remain open under the Haddock SAP rules) to compensate for impacts in the HAPC. Further, the comment states, ''it is entirely permissible to allow fishing in the HAPC.'' They also note that rotational scallop fishing will not have unlimited adverse habitat impacts and that any increased impacts in Reduced Impact HMA are offset by reduced bottom contact time.

Response: NMFS agrees that the designation of an area as an HAPC does not inherently require a fishing closure in the area. However, the Council provided insufficient information to understand which aspects of the area are critical to juvenile cod survival, how those aspects of the habitat are impacted

by scallop dredges, the recovery time for such impacts, and the anticipated rotation periods for scallop fishing that would sufficiently address the practicability of any proposed fishing or protective measures. Without a more full discussion of these critical components, it is not possible to sufficiently evaluate the nature, extent, and scope of rotational scallop fishing that may be permitted in the Northern Edge HAPC. The Council's recommendations in this Amendment would open the most vulnerable portions of the HAPC and do not adequately avoid, mitigate, or compensate for those adverse effects. The Council's recommendation to allow even rotational fishing in this sensitive habitat appears to be inconsistent with its own rationale for the designation that the habitat in this area is particularly susceptible to adverse fishing effects and warrants particular concern and consideration.

Comment 48: The scallop industry argues that the ''lobster closure'' should be rejected because it violates Council policy and adequate alternatives were not analyzed.

Response: NMFS is disapproving the lobster closure in conjunction with the recommendations on eastern Georges Bank. We agree that further discussion of this issue would be beneficial if the Council decides to revisit habitat management in Closed Area II.

Comment 49: FSF supported the designation of a DHRA within the existing Closed Area I South in Georges Bank. The scallop industry proposed this area to be dedicated to research because of the importance of ongoing scallop studies there. The fleet has collected video survey data in the area that will serve as baseline information for future studies. These studies will provide valuable information about scallop productivity, distribution, abundance, and growth. The designation of the DHRA is expected to streamline the permitting process for these research activities and to reduce administrative hurdles. Areas that are designated as DHRAs must have sunset provisions that will open an area if there is no habitat research conducted there within three years. FSF contends that there is no benefit to excluding commercial fishing from a DHRA if there is no interest in or capacity for actively pursuing research there.

Response: NMFS agrees and is implementing the DHRAs with the sunset provisions, as recommended.

Comment 50: Additionally, FSF supported adding changes in HMA designations or restrictions to the list of items that may be modified through framework action.

Response: NMFS agrees and is implementing the recommendation as proposed.

Classification

The Administrator, Greater Atlantic Region, NMFS, determined that the approved portions of OHA2 are necessary for the conservation and management of the New England Fishery Management Council's fishery management plans and that the final rule is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

The Council prepared a final environmental impact statement for the Omnibus Essential Fish Habitat Amendment 2. The EIS was filed with the Environmental Protection Agency on October 18, 2017. A notice of availability was published on October 27, 2017 (82 FR 49802). In approving the amendment on January 3, 2018, NMFS issued a Record of Decision (ROD) identifying the selected alternative. A copy of the ROD is available from NMFS (see **ADDRESSES**).

This rule has been determined to be significant for purposes of Executive Orders (E.O.) 12866. Thus, this final rule is considered an E.O. 13771 deregulatory action. For the reasons stated earlier regarding updated scallop biomass information, in the accompanying EIS, and ''Description of Methods and Supplemental Analysis of Economic Benefits of OHA2,'' we anticipate this rule will result in additional harvest opportunities.

Congressional Review Act: The Office of Information and Regulatory Affairs has determined that this rule is major under 5 U.S.C. 801 *et seq.* Under 5 U.S.C. 808, the minimum 60-day delay in effectiveness required for major rules is not applicable because this rule establishes a regulatory program for a commercial activity related to fishing.

This rule does not contain policies with Federalism, as defined in E.O. 13132, or ''takings,'' as clarified in E.O. 12630.

Section 553 of the Administrative Procedure Act (APA) establishes procedural requirements applicable to rulemaking by Federal agencies. The purpose of these requirements is to ensure public access to the Federal rulemaking process and to give the public opportunity for comment as well as adequate notice. Because this rule opens some areas that are currently closed, those portions of the regulations are relieving restrictions and, pursuant to 5 U.S.C. 553(d)(1), are not subject to the APA's requirement for a 30-day delay in effectiveness.

Additionally, pursuant to 5 U.S.C. 553(d)(3), the Assistant Administrator for Fisheries finds good cause to waive the 30-day delay in effectiveness for the remainder of the rule's provisions because such a delay is unnecessary and contrary to the public interest. The delayed effectiveness is intended to provide adequate time for the affected public to comply with the new regulations. Because this rule is being implemented at the start of the fishing year when these types of changes are typically implemented and expected, there is minimal effort or time needed for vessel owners to come into compliance with the new measures, which generally only requires updating navigation systems to identify the new areas. In addition, fishermen are accustomed to adjusting to changes in available fishing areas.

Implementing the measures at the start of the fishing provide allows the fishing industry the maximum amount of time to fish in newly available areas. As such, the delay in effectiveness is unnecessary to allow sufficient time for vessel owners to comply with the new structure. Further, because NMFS's partial approval of the Council's recommendations was announced in early January, the affected public, *i.e.,* primarily the commercial groundfish, scallop, and clam industries, have been well aware of what changes are coming and have been anticipating the changes implemented via this rule.

Although this rule does impose new restrictions in that certain areas previously opened will be closed, the overall impact of the measures being implemented is a reduction in management restrictions in the majority of the areas considered. Particularly significant is the removal of Closed Area I and the Nantucket Lightship Closure Areas that will allow the scallop fishery, via Scallop Framework Adjustment 29, to establish access areas and allocations that are projected to result in an additional $140–160 million in potential fishing revenue for the scallop fishery in the coming year. The regulated entities will benefit far more from these provisions that lift restrictions going into immediate effect, than they would be disadvantaged by the waiver of the 30-day delay for the aspects of the rule that impose restrictions. Even in areas that are resulting in new closures, the impacts are minimal because the Eastern Maine HMA closure is not expected to have any immediate impact on mobile bottom-tending gear fishing; the hydraulic clam dredge fishery is

exempted for one year from the date of implementation of the Great South Channel HMA; the Closed Area I Seasonal Closure is the same footprint as current year-round closure; and the Spring Massachusetts Bay Spawning Closure is small and not effective until April 15. Thus, NMFS finds good cause to waive the 30-delay in effectiveness because it is in the regulated entities' interest.

A final regulatory flexibility analysis (FRFA) was prepared for this action. The FRFA incorporates the IRFA, a summary of the significant issues raised by the public comments in response to the IRFA, and NMFS responses to those comments, and a summary of the analyses completed to support the action. A copy of this analysis is available from the Council (see **ADDRESSES**). A summary of this analysis is provided below.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a letter to permit holders that also serves as a small entity compliance guide was prepared. Copies of this final rule are available from the Greater Atlantic Regional Fisheries Office (GARFO), and the guide, *i.e.,* permit holder letter, will be sent to all holders of any GARFO permit because many of the measures impact fisheries at the gear, rather than permit, level. The guide and this final rule will be available upon request.

A Statement of the Need for and Objectives of the Rule

A statement of the necessity for and for the objectives of this action are contained in the Omnibus Amendment EIS, Volume 1, and in the preamble to this final rule, and is not repeated here.

A Summary of the Significant Issues Raised by the Public in Response to the IRFA, a Summary of the Agency's Assessment of Such Issues, and a Statement of Any Changes Made in the Final Rule as a Result of Such Comments

No significant issues relative to the IRFA were raised in the public comments.

Description and Estimate of the Number of Small Entities To Which the Rule Would Apply

The Small Business Administration (SBA) defines a small business as one that is:

- Independently owned and operated;
- Not dominant in its field of operation;
- Has annual receipts that do not exceed—
  - $20.5 million in the case of commercial finfish harvesting entities (NAIC [1] 114111)
  - $5.5 million in the case of commercial shellfish harvesting entities (NAIC 114112)
  - $7.5 million in the case of for-hire fishing entities (NAIC 114119); or
- Has fewer than—
  - 750 employees in the case of fish processors
  - 100 employees in the case of fish dealers.

This rule affects commercial and recreational fish harvesting entities engaged in fisheries throughout New England that utilize bottom-trawls (large and small mesh), longlines, rod and reel, gillnets, pots and traps, scallop dredges, and hydraulic clam dredges. The gears primarily affected by this action are two non-mutually exclusive fishing operations: Fishermen using gears capable of catching groundfish and fishermen using mobile bottom-tending gears. Individually permitted vessels may hold permits for several fisheries, harvesting species of fish that are regulated by several different FMPs. Furthermore, multiple-permitted vessels and/or permits may be owned by entities affiliated by stock ownership, common management, identity of interest, contractual relationships, or economic dependency. For the purposes of the Regulatory Flexibility Act (RFA) analysis, the ownership entities, not the individual vessels, are considered the regulated entities.

Ownership entities are defined as those entities with common ownership personnel as listed on the permit application. Only permits with identical ownership personnel are categorized as an ownership entity. For example, if five permits have the same seven persons listed as co-owners on their permit application, those seven persons would form one ownership entity that holds those five permits. If two of those seven owners also co-own additional vessels, these two persons would be considered a separate ownership entity.

On June 1 of each year, NMFS identifies ownership entities based on a list of all permits for the most recent complete calendar year. The current ownership dataset used for this analysis was created based on calendar year 2014 and contains average gross sales associated with those permits for calendar years 2012 through 2014.

In addition to classifying a business (ownership entity) as small or large, a business can also be classified by its primary source of revenue. A business is defined as being primarily engaged in fishing for finfish if it obtains greater than 50 percent of its gross sales from sales of finfish. Similarly, a business is defined as being primarily engaged in fishing for shellfish if it obtains greater than 50 percent of its gross sales from sales of shellfish.

A description of the specific permits that are likely to be affected by this action is provided below, along with a discussion of the impacted businesses, which can include multiple vessels and/or permit types.

NMFS issued a final rule establishing a small business size standard of $11 million in annual gross receipts for all businesses primarily engaged in the commercial fishing industry (NAICS 11411) for RFA compliance purposes only (80 FR 81194; December 29, 2015). The $11 million standard became effective on July 1, 2016, and is intended to be used in place of the SBA's current standards of $20.5 million, $5.5 million, and $7.5 million for the finfish (NAICS 114111), shellfish (NAICS 114112), and other marine fishing (NAICS 114119) sectors, respectively, of the U.S. commercial fishing industry.

The Council took final action on OHA2 in June 2015, and the analyses in support of this action were developed throughout the decision process and following the Council's action, but prior to July 1, 2016. This analysis was not updated to reflect a small business re-classification for all of the vessels affected by this amendment using our new size-standards because we have determined that this analysis provides a sufficient estimate of the number of small entities to which the proposed rule applies for purposes of determining this action's impacts on small entities and the considerations required under the RFA. For the fisheries directly affected by this rule, RFA analyses have been completed on other actions since the implementation of the revised size standard. As described in the IRFA, data showed a change in the total number of entities from the last fishery

[1] The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

management action analyzed under the SBA size standards and the first fishery management action analyzed under the revised NMFS policy standard. However, in terms of percentage of each of the major affected fisheries, the size standard change results in minimal changes in categories. As a result, the revised size standard does not change the conclusions of the analysis or notably change the estimation of the impact on small entities from this action. As such, it is reasonable to rely upon the Council's economic analyses. No comments or concerns were received specific to this analysis or about the change in size classifications.

Regulated Commercial Fish Harvesting Entities

Table 2 describes revenue by business type (large or small) and Table 3 describes the total number of commercial business entities potentially regulated by the action. As of the time of the Council's decisionmaking (2015), there were 4,071 small businesses (925 finfish, 2,713 shellfish, 433 for-hire) and 18 large businesses (all shellfish) potentially affected by this action. For fisheries utilizing mobile bottom-tending gear, the approved action directly regulates affected entities through restrictions on when and where vessels may fish to comply with the Magnuson-Stevens Act requirement to minimize to the extent practicable the adverse effects of fishing on essential fish habitat. For fisheries that use gears capable of catching groundfish, this final rule additionally restricts location and timing of fishing to minimize impacts on spawning groundfish. According to the EIS, individuals fishing with mobile bottom-tending gear and midwater trawls tend to generate a substantial portion of their revenue from other gear types. The vast majority of individuals either fishing with mobile bottom-tending gear capable of catching groundfish or for-hire do not deviate from that mode, which could relate to the specialized nature of either the vessels or the captains' skills needed for these types of fishing.

TABLE 2—BUSINESS REVENUE BY TYPE

Year	NAICS classification	Business type	Business revenue	Shellfish revenue	Finfish revenue	For-hire revenue
2012	Finfish	Small	$217,560,996	$33,546,543	$183,380,312	$634,141
2012	For-hire	Small	56,153,981	331,674	611,532	55,210,775
2012	Shellfish	Large	265,665,371	242,801,113	22,860,746	3,512
2012	Shellfish	Small	710,485,816	679,195,607	30,897,738	392,471
2013	Finfish	Small	191,870,635	25,008,297	166,326,851	535,487
2013	For-hire	Small	55,556,751	125,755	588,984	54,842,012
2013	Shellfish	Large	228,892,465	208,244,173	20,642,659	5,633
2013	Shellfish	Small	690,608,565	663,848,959	26,381,386	378,220
2014	Finfish	Small	209,370,022	23,888,931	185,335,274	145,817
2014	For-hire	Small	57,843,562	15,735	412,061	57,415,766
2014	Shellfish	Large	223,065,022	202,580,548	20,484,474	.....
2014	Shellfish	Small	741,518,137	717,031,087	24,316,466	170,584

TABLE 3—NUMBER OF BUSINESSES AND REVENUE GENERATED BY SMALL AND LARGE BUSINESSES, BY COMMERCIAL GEAR CLASSIFICATION

[MBTG = Mobile bottom-tending gear, Groundfish = gear capable of catching groundfish, Both = Both MBTG and Groundfish designation, Midwater = Midwater trawls, Clam = clam dredge. Note some data not presented for privacy concerns.]

Year	Gear type	Business type	Number of businesses	VTR revenue
2012	Both	Large	17	$231,658,238
2012	Both	Small	574	580,827,338
2013	Both	Large	17	185,435,086
2013	Both	Small	539	445,971,382
2014	Both	Large	17	173,348,111
2014	Both	Small	528	396,470,511
2012	Clam	Large	5	31,160,893
2012	Clam	Small	42	27,738,596
2013	Clam	Large	4	30,008,134
2013	Clam	Small	47	27,874,110
2014	Clam	Large	2	.....
2014	Clam	Small	41	26,867,813
2012	Groundfish	Large	2	.....
2012	Groundfish	Small	668	74,103,358
2013	Groundfish	Large	2	.....
2013	Groundfish	Small	605	47,920,414
2014	Groundfish	Large	1	.....
2014	Groundfish	Small	592	48,959,328
2012	MBTG	Large	3	1,072,716
2012	MBTG	Small	125	6,120,800
2013	MBTG	Large	3	1,375,902
2013	MBTG	Small	87	2,940,183
2014	MBTG	Large	3	1,216,387
2014	MBTG	Small	26	2,857,405
2012	Midwater	Large	3	9,289,884
2012	Midwater	Small	14	22,865,976
2013	Midwater	Large	3	5,535,922

TABLE 3—NUMBER OF BUSINESSES AND REVENUE GENERATED BY SMALL AND LARGE BUSINESSES, BY COMMERCIAL GEAR CLASSIFICATION—Continued

[MBTG = Mobile bottom-tending gear, Groundfish = gear capable of catching groundfish, Both = Both MBTG and Groundfish designation, Midwater = Midwater trawls, Clam = clam dredge. Note some data not presented for privacy concerns.]

Year	Gear type	Business type	Number of businesses	VTR revenue
2013	Midwater	Small	13	26,214,983
2014	Midwater	Large	3	4,909,077
2014	Midwater	Small	14	25,058,119
2012	Other	Large	2	.....
2012	Other	Small	566	79,087,347
2013	Other	Large	4	.....
2013	Other	Small	539	80,355,177
2014	Other	Large	3	.....
2014	Other	Small	514	84,446,720

Description of the Projected Reporting, Record-keeping, and Other Compliance Requirements of This Proposed Rule

The action does not contain a collection-of-information requirement subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), and the rule does not impose any other reporting or record-keeping requirements. This final rule requires compliance only with standard fishing-related issues, including compliance with gear restricted fishing areas or seasons.

Description of the Steps the Agency Has Taken To Minimize the Significant Economic Impact on Small Entities Consistent With the Stated Objectives of Applicable Statutes

The economic impacts of each type of habitat management measure are discussed in more detail in Volumes 3, 4, and 5 of the EIS. Because the primary objective of the Amendment is to comply with the Magnuson-Stevens Act requirement to minimize to the extent practicable the adverse effects of fishing on EFH, a variety of combinations of areas could have achieved those goals. The EFH and HAPC designations are primarily administrative in nature and are not expected to result in any direct economic impacts to the fisheries; although, indirect positive affects to stocks are expected.

In general, the overall approved changes are relatively modest, particularly when compared to other alternatives considered. The majority of areas approved are already closed to fishing. The current open areas that will close include the Eastern Maine HMA and the Great South Channel HMA. As described above, there is currently very little mobile bottom-tending gear fishing in the Eastern Maine HMA because groundfish stocks have decreased locally in that region. The Great South Channel HMA was designed to minimize impact to the scallop fishery, particularly the design of the eastern boundary. Scallops occur primarily at depths beyond the closure boundary. There is not a significant amount of trawl fishing in that area because of the high level of natural disturbance. The hydraulic clam fishery will be allowed to continue to operate in this HMA for 1 year, while the Council develops more discrete exemption areas. It is expected that the subsequent action will attempt to balance the economic needs of the clam fishery with the objectives of OHA2 and the EFH protections required by the Magnuson-Stevens Act.

The approved measures that will increase fishing opportunities include: (1) Modifying the Western Gulf of Maine Groundfish Closure Area by aligning the eastern boundary with the Habitat Closure Area; (2) modifying the Jeffreys Bank Habitat Closure Area and exposing the deeper, northern portion to potential fishing; (3) eliminating the Nantucket Lightship Groundfish and Habitat Closure Areas; and (4) implementing Closed Area I North as a seasonal, versus year-round, closure area. The partial opening of the areas in the Gulf of Maine are expected to result in modest increases in groundfish revenue. The opening of the Nantucket Lightship and Closed Area I Closure Areas are expected to result in notable increases in scallop fishing. Scallop Framework Adjustment 29, which is intended to set management measures for the 2018 and 2019 scallop fishing years, estimates that with access to these newly opened areas will result in an additional $140–160 million to the scallop fishery beyond what the status quo measures would have generated.

Habitat Management Measure Alternatives

In the Eastern Gulf of Maine, this action establishes the Small Eastern Maine Habitat Management Area (HMA), closed to all mobile bottom-tending gears. (Note, the regulations refer to this area as simply the ''Eastern Maine HMA.'') Other alternatives considered would have continued with no habitat management in this sub-region or implemented one or more additional areas. The Toothaker Ridge HMA, the Large Eastern Maine HMA, the Machias HMA, and the Small Eastern Maine were assembled into two alternatives. The EIS concluded, and NMFS agreed, that the Small Eastern Maine HMA achieves a notable level of protection for vulnerable habitat without significant economic impacts.

In the Central Gulf of Maine, this action maintains the existing Cashes Ledge Groundfish Closure Area, modifies the existing Jeffreys Bank and Cashes Ledge Habitat Closure Areas, with their current fishing restrictions and exemptions, establishes the Fippennies Ledge HMA, closed to mobile bottom-tending gears, and the Ammen Rock HMA, closed to all fishing except lobster traps. Other alternatives considered would have various combinations of eight total areas. In addition to the areas recommended as preferred, the Council considered habitat management in the existing Jeffreys Bank and Cashes Ledge habitat closure areas, two areas on Platts Bank and a small area on the top of Fippennies Ledge. The Council did not recommend the areas on Platts Bank because of the concern regarding the displacement of current fishing and the economic impact to a sub-set of the fleet. The final approved measures provide the best habitat protection without significant economic impacts.

In the Western Gulf of Maine, this action maintains the existing Western Gulf of Maine Habitat Closure Area, closed to mobile bottom-tending gears, and modifies the eastern boundary of the Western Gulf of Maine [Groundfish]

Closure Area to align with the Habitat Closure Area, while maintaining the current fishing restrictions and requirements. An exemption area within the northwest corner of those closures for shrimp trawls is also established and the existing Roller Gear Restricted Area requirements is designated as a habitat protection measure. Other alternatives would have established a large (Council's Alternatives 3 and 4 in Volume 3 of the EIS) or small (Alternative 5) version of a closure area along the state waters boundaries of New Hampshire and Maine covering Bigelow Bight, which was deemed by the Council to have overly severe economic impacts. Still other options included consideration of breaking up the existing Western Gulf of Maine Habitat Closure Area to focus on the most vulnerable sections of Jeffreys Ledge and Stellwagen Bank, either in two smaller combinations (Alternatives 4 and 5) or only a larger section of the Stellwagen Bank area (Alternatives 3 and 6). Finally, one option would have implemented the roller gear restriction over only the footprint of the other proposed habitat management areas (Alternative 7b).

On Georges Bank, this final action maintains the Closed Area II groundfish and habitat closure areas, but removes the Closed Area I groundfish and habitat closures as year-round closures.

Various combinations of 19 areas, including the 5 existing habitat and groundfish closed areas, were considered for this sub-region. When combined, these areas covered nearly the entire Bank area from the Hague Line up to the Great South Channel. Some areas were deemed too costly from an economic standpoint because of their size or specific location. These areas included the two alternatives across the majority of the bank: The Northern Georges mobile bottom-tending gear closure (Alternative 8) and the Northern Georges gear modification area (Alternatives 5). Various options of smaller areas on Georges Shoal, namely the Georges Shoal 1 (Alternative 5), Georges Shoal Gear Modification Area (Alternative 4), Georges Shoal 2 (Alternative 7), and Western HMA (Alternative 9), were also considered. Further variations focused more on the northern edge, included the Northern Edge HMA in Alternatives 3 and 4; two variations of expanding the existing Closed Area II habitat closure (Alternatives 6A and 6B); the EFH South HMA as part of Alternative 7; the Eastern HMA and a Mortality Closure in Alternative 9. The Council's recommendation (Alternative 10) was disapproved for the reasons described above. The final approved measures maintain a long-standing closure, but opens Closed Area I. As described above, the opening of Closed Area I is expected to result in significant economic gains for the scallop fishery.

In the Great South Channel, this action establishes the Great South Channel HMA, closed to mobile bottom-tending gear, except hydraulic clam dredges for 1 year, outside of the northeast corner of the area. The Nantucket Lightship Habitat Closure Area and the Nantucket Lightship Closed Area are removed. Other alternatives were variations around the approved alternative, some extending farther to the east, and some extending farther to the west. The Council also recommended an HMA on Cox Ledge that would have prohibited hydraulic clam dredges and ground cables on trawl vessels. That recommendation was disapproved for the reasons described above. The Council also considered a single box to cover both Cox Ledge areas. The opening of the Nantucket Lightship Closure Areas is expected to result in significant economic gains for the scallop fishery in 2018 and 2019.

Groundfish Spawning Measure Alternatives

In the Gulf of Maine, the final rule establishes two new, relatively small cod spawning protections. They include the Winter Massachusetts Bay Spawning Closure, which would be in effect from November 1–January 31 of each year, and a 2-week closure (April 15–April 30) within statistical area 125. Other alternatives considered would have reinstated or added to existing rolling closures in the Western Gulf of Maine.

On Georges Bank, this action establishes the existing Closed Area II Groundfish Closure Area and the Closed Area I North Habitat Closed Area as seasonal closures from February 1–April 15, and removes the May Georges Bank Spawning Closure. The Council considered making all of the existing Closed Area I groundfish closure area a seasonal spawning closure, but instead chose just the subset of that area in the northern portion.

Management alternatives in both regions included all commercial gears capable of catching groundfish (recreational fishing exempted), all commercial and recreational gears capable of catching groundfish, and an exemption for scallop dredges.

Dedicated Habitat Research Area Alternatives

This action establishes two DHRAs. The DHRAs will be effective for 3 years, at which time the Regional Administrator would consult with the Council as to whether the designation should be retained. The Council considered three potential DHRAs, with varying management restrictions within them. The action establishes the Georges Bank DHRA (footprint is the same as the existing Closed Area I South Habitat Closure) and the Stellwagen DHRA (footprint within the existing Western Gulf of Maine Habitat Closure). The Council considered two ''reference areas'' within the Stellwagen DHRA that would have prohibited all fishing, including recreational groundfish fishing. No reference area was recommended and none will be implemented. The Georges Bank DHRA is closed to all mobile bottom-tending gear. The Stellwagen DHRA is closed to all mobile bottom-tending gear, sink gillnet gear, and demersal longline gear.

Framework Adjustments and Monitoring

Through this action, the designation or removal of HMAs and changes to fishing restrictions within HMAs may be considered in a future framework adjustment. In addition, this action establishes a review process to evaluate the performance of habitat and spawning protection measures. Finally, this action establishes a commitment by the Council to identify and periodically revise research priorities to improve habitat and spawning area monitoring. Alternatively, the Council considered not implementing a new process for habitat and spawning protection measures review and modification and using the existing ad-hoc process under its authority currently.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: March 29, 2018.

Alan D. Risenhoover,

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

For the reasons stated in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. Amend § 648.2 as follows:

■ a. Revise the definition of ''Bottom-tending mobile gear;''

■ b. Add a definition for ''Bridles,'' in alphabetical order;

■ c. Revise the definition of ''Gillnet gear capable of catching multispecies;''
■ d. Add a definition for ''Ground cables,'' in alphabetical order; and
■ e. Revise the definition of ''Open areas.''

The revisions and additions read as follows:

§ 648.2 Definitions.

* * * * *

Bottom-tending mobile gear, means gear in contact with the ocean bottom, and towed from a vessel, which is moved through the water during fishing in order to capture fish, and includes otter trawls, beam trawls, hydraulic dredges, non-hydraulic dredges, and seines (with the exception of a purse seine).

Bridles connect the wings of a bottom trawl to the ground cables. The ground cables lead to the doors or otter boards. The doors are attached to the towing vessel via steel cables, referred to as wires or warps. Each net has two sets of bridles, one on each side.

* * * * *

Gillnet gear capable of catching multispecies means all gillnet gear except pelagic gillnet gear specified at § 648.81(b)(2)(ii) and (d)(5)(ii) and pelagic gillnet gear that is designed to fish for and is used to fish for or catch tunas, swordfish, and sharks.

* * * * *

Ground cables on a bottom trawl run between the bridles, which attach directly to the wings of the net, and the doors, or otter boards. The doors are attached to the towing vessel via steel cables, referred to as wires or warps.

* * * * *

Open areas, with respect to the Atlantic sea scallop fishery, means any area that is not subject to restrictions of the Sea Scallop Rotational Areas specified in §§ 648.59 and 648.60, the Northern Gulf of Maine Management Area specified in § 648.62, EFH Closed Areas specified in §§ 648.61 and 648.370, Dedicated Habitat Research areas specified in § 648.371, or the Frank R. Lautenberg Deep-Sea Coral Protection Area described in § 648.372.

* * * * *

■ 3. Amend § 648.11 by revising paragraph (m)(1) to read as follows:

§ 648.11 At-sea sea sampler/observer coverage.

* * * * *

(m) * * *

(1) *Pre-trip notification.* At least 48 hr prior to the beginning of any trip on which a vessel may harvest, possess, or land Atlantic herring, a vessel issued a Limited Access Herring Permit or a vessel issued an Areas 2/3 Open Access Herring Permit on a declared herring trip or a vessel issued an All Areas Open Access Herring Permit fishing with midwater trawl gear in Management Areas 1A, 1B, and/or 3, as defined in § 648.200(f)(1) and (3), and herring carriers must provide notice of the following information to NMFS: Vessel name, permit category, and permit number; contact name for coordination of observer deployment; telephone number for contact; the date, time, and port of departure; gear type; target species; and intended area of fishing, including whether the vessel intends to engage in fishing in the Northeast Multispecies Closed Areas (Closed Area I North (§ 648.81(c)(3)), Closed Area II (§ 648.81(a)(5)), Cashes Ledge Closure Area (§ 648.81(a)(3)), and Western GOM Closure Area (§ 648.81(a)(4))) at any point in the trip. Trip notification calls must be made no more than 10 days in advance of each fishing trip. The vessel owner, operator, or manager must notify NMFS of any trip plan changes at least 12 hr prior to vessel departure from port.

* * * * *

■ 4. Amend § 648.14 by:
■ a. Revising paragraph (b)(10);
■ b. Adding paragraphs (b)(11) and (12);
■ c. Revising paragraphs (i)(1)(vi)(A)(*1*) and (*2*), (k)(6)(i)(E), (k)(6)(ii)(A)(*5*), and (k)(7)(i)(A) through (D);
■ d. Removing and reserving paragraph (k)(7)(i)(E);
■ e. Revising paragraph (k)(7)(i)(F);
■ f. Removing and reserving paragraph (k)(7)(i)(G); and
■ g. Revising paragraphs (k)(7)(ii), (k)(12)(iii)(B), (k)(16)(iii)(B), and (r)(2)(v) and (vi).

The revisions and addition read as follows:

§ 648.14 Prohibitions.

* * * * *

(b) * * *

(10) Fish with bottom-tending gear within the Frank R. Lautenberg Deep-sea Coral Protection Area described at § 648.372, unless transiting pursuant to § 648.372(d), fishing lobster trap gear in accordance with § 697.21 of this chapter, or fishing red crab trap gear in accordance with § 648.264. Bottom-tending gear includes but is not limited to bottom-tending otter trawls, bottom-tending beam trawls, hydraulic dredges, non-hydraulic dredges, bottom-tending seines, bottom longlines, pots and traps, and sink or anchored gill nets.

(11) If fishing with bottom-tending mobile gear, fish in, enter, be on a fishing vessel in, the EFH closure areas described in § 648.371, unless otherwise exempted.

(12) Unless otherwise exempted, fish in the Dedicated Habitat Research Areas defined in § 648.371.

* * * * *

(i) * * *

(1) * * *

(vi) * * *

(A) * * *

(*1*) Fish for scallops in, or possess or land scallops from, the EFH Closed Areas and Habitat Management Areas specified in §§ 648.61 and 648.370, respectively.

(*2*) Transit or enter the EFH Closure Areas or Habitat Management Areas specified in §§ 648.61 and 648.370, respectively, except as provided by § 648.61(b).

* * * * *

(k) * * *

(6) * * *

(i) * * *

(E) Use, set, haul back, fish with, possess on board a vessel, unless stowed and not available for immediate use as defined in § 648.2, or fail to remove, sink gillnet gear and other gillnet gear capable of catching NE multispecies, with the exception of single pelagic gillnets (as described in § 648.81(b)(2)(ii) and (d)(5)(ii)), in the areas and for the times specified in § 648.80(g)(6)(i) and (ii), except as provided in § 648.80(g)(6)(i) and (ii), and § 648.81(b)(2)(ii) and (d)(5)(ii), or unless otherwise authorized in writing by the Regional Administrator.

* * * * *

(ii)

(A)

(*5*) Enter, fail to remove sink gillnet gear or gillnet gear capable of catching NE multispecies from, or be in the areas, and for the times, described in § 648.80(g)(6)(i) and (ii), except as provided in §§ 648.80(g)(6)(i) and 648.81(i).

* * * * *

(7) * * *

(i) * * *

(A) *Groundfish Closure Area restrictions.* Enter, be on a fishing vessel in, or fail to remove gear from the EEZ portion of the areas described in § 648.81(a)(3), (4), and (5) and (d)(3), except as provided in § 648.81(a)(2), (d)(2), and (i).

(B) *Groundfish Closure Area possession restrictions.* Fish for, harvest, possess, or land regulated species in or from the closed areas specified in § 648.81(a) through (d) and (n), unless otherwise specified in § 648.81(c)(2)(iii), (d)(5)(i), (iv), (viii), and (ix), (i), (b)(2), or as authorized under § 648.85.

(C) *Restricted Gear Areas.* (*1*) Fish, or be in the areas described in § 648.81(f)(3) through (6) on a fishing

vessel with mobile gear during the time periods specified in § 648.81(f)(1), except as provided in § 648.81(f)(2).

(*2*) Fish, or be in the areas described in § 648.81(f)(3) through (5) on a fishing vessel with lobster pot gear during the time periods specified in § 648.81(f)(1).

(*3*) Deploy in or fail to remove lobster pot gear from the areas described in § 648.81(f)(3) through (5), during the time periods specified in § 648.81(f)(1).

(D) *Georges Bank Seasonal Closure Areas.* Enter, fail to remove gear from, or be in the areas described in § 648.81(c) during the time periods specified, except as provided in § 648.81(c)(2).

(E) [Reserved]

(F) *Closed Area II.* Enter or be in the area described in § 648.81(a)(5) on a fishing vessel, except as provided in § 648.81(a)(5)(ii).

(G) [Reserved]

(ii) *Vessel and permit holders.* It is unlawful for any owner or operator of a vessel issued a valid NE multispecies permit or letter under § 648.4(a)(1)(i), unless otherwise specified in § 648.17, when fishing with bottom-tending mobile gear, fish in, enter, be on a fishing vessel in, the Habitat Management Areas described in § 648.370.

* * * * *

(12) * * *

(iii) * * *

(B) Enter or fish in Closed Area II as specified in § 648.81(a)(5), unless declared into the area in accordance with § 648.85(b)(3)(v) or (b)(8)(v)(D).

* * * * *

(16) * * *

(iii) * * *

(B) Fail to comply with the requirements specified in § 648.81(d)(5)(v) when fishing in the areas described in § 648.81(b)(3) and (4) and (d) during the time periods specified.

* * * * *

(r) * * *

(2) * * *

(v) Fish with midwater trawl gear in any Northeast Multispecies Closed Area, as defined in § 648.81(a)(3) through (5) and (c)(3) and (4), without a NMFS-approved observer on board, if the vessel has been issued an Atlantic herring permit.

(vi) Slip or operationally discard catch, as defined at § 648.2, unless for one of the reasons specified at § 648.202(b)(2), if fishing any part of a tow inside the Northeast Multispecies Closed Areas, as defined at § 648.81(a)(3) through (5) and (c)(3) and (4).

* * * * *

§ 648.27 [Removed]

■ 5. Remove § 648.27.

■ 6. Add § 648.58 to read as follows:

§ 648.58 Closed Area II Seasonal Scallop Closure.

From June 15 through October 31 of each year, no fishing vessel may fish with scallop dredge gear in the portion of Closed Area II, as specified in §§ 648.61(c)(4) and 648.81(c)(4), north of 41°30′ N lat.

■ 7. In § 648.59, revise paragraph (a) introductory text to read as follows:

§ 648.59 Sea Scallop Rotational Area Management Program and Access Area Program requirements.

(a) The Sea Scallop Rotational Area Management Program consists of Scallop Rotational Areas, as defined in § 648.2. Guidelines for this area rotation program (*i.e.,* when to close an area and reopen it to scallop fishing) are provided in § 648.55(a)(6). Whether a rotational area is open or closed to scallop fishing in a given year, and the appropriate level of access by limited access and LAGC IFQ vessels, are specified through the specifications or framework adjustment processes defined in § 648.55. When a rotational area is open to the scallop fishery, it is called an Access Area and scallop vessels fishing in the area are subject to the Access Area Program Requirements specified in this section. Areas not defined as Scallop Rotational Areas specified in § 648.60, EFH Closed Areas specified in §§ 648.61 and 648.370, Dedicated Habitat Research Areas specified in § 648.371, or areas closed to scallop fishing under other FMPs, are governed by other management measures and restrictions in this part and are referred to as Open Areas.

* * * * *

■ 8. In § 648.60, revise paragraph (c)(1) to read as follows:

§ 648.60 Sea Scallop Rotational Areas.

* * * * *

(c) * * *

(1) The Closed Area I Scallop Rotational Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request), and so that the line connecting points CAIA3 and CAIA4 is the same as the portion of the western boundary line of Closed Area I, defined in § 648.61(c)(3), that lies between points CAIA3 and CAIA4:

Point	N lat.	W long.	Note
CAIA1	41°26′ N	68°30′ W	
CAIA2	40°58′ N	68°30′ W	
CAIA3	40°54.95′ N	68°53.37′ W	(1)
CAIA4	41°04′ N	69°01′ W	(1)
CAIA1	41°26′ N	68°30′ W	

[1] From Point CAIA3 to Point CAIA4 along the western boundary of Closed Area I, defined in § 648.61(c)(3).

* * * * *

■ 9. In § 648.61, revise the section heading and add paragraph (c) to read as follows:

§ 648.61 EFH and Groundfish Closed Areas.

* * * * *

(c) *Groundfish Closure Areas.* No vessel fishing for scallops, or person on a vessel fishing for scallops, may enter, fish in, or be in the Closure Areas described in paragraphs (c)(1) through (5) of this section, unless otherwise exempted in the scallop access area program, described in § 648.59. A chart depicting these areas is available from the Regional Administrator upon request.

(1) *Western Gulf of Maine Closure Area.* The Western Gulf of Maine Closure Area is defined by straight lines connecting the following points in the order stated:

WESTERN GULF OF MAINE CLOSURE AREA

Point	N lat.	W long.
WGM1	42°15′ N	70°15′ W
WGM2	42°15′ N	69°55′ W
WGM3	43°15′ N	69°55′ W
WGM4	43°15′ N	70°15′ W
WGM1	42°15′ N	70°15′ W

(2) *Cashes Ledge Closure Area.* The Cashes Ledge Closure Area is defined by

straight lines connecting the following points in the order stated:

CASHES LEDGE CLOSURE AREA

Point	N lat.	W long.
CL1	43°07′ N	69°02′ W
CL2	42°49.5′ N	68°46′ W
CL3	42°46.5′ N	68°50.5′ W
CL4	42°43.5′ N	68°58.5′ W
CL5	42°42.5′ N	69°17.5′ W
CL6	42°49.5′ N	69°26′ W

CASHES LEDGE CLOSURE AREA—Continued

Point	N lat.	W long.
CL1	43°07′ N	69°02′ W

(3) *Closed Area I.* Closed Area I is defined by straight lines, unless otherwise noted, connecting the following points in the order stated:

CLOSED AREA I

Point	N lat.	W long.
CI1	41°30′	69°23′
CI2	40°45′	68°45′
CI3	40°45′	68°30′
CI4	41°30′	68°30′
CI1	41°30′	69°23′

(4) *Closed Area II.* Closed Area II is defined by straight lines connecting the following points in the order stated:

CLOSED AREA II

Point	N lat.	W long.	Note
CAII1	41°00′ N	67°20′ W	
CAII2	41°00′ N	66°35.8′ W	
CAII3	41°18.45′ N	(1)	(2)
CAII4	(3)	67°20′ W	(2)
CAII5	42°22′ N	67°20′ W	
CAII1	41°00′ N	67°20′ W	

[1] The intersection of 41°18.45′ N lat. And the U.S.-Canada Maritime Boundary, approximately 41°18.45′ N lat. and 66°24.89′ W long.
[2] From Point CAII3 to Point CAII4 along the U.S.-Canada Maritime Boundary.
[3] The intersection of 67°20′ W long. And the U.S.-Canada Maritime Boundary, approximately 42°22.06′ N lat. and 67°20′ W long.

(5) *Nantucket Lightship Closure Area.* The Nantucket Lightship Closure Area is defined by straight lines connecting the following points in the order stated:

NANTUCKET LIGHTSHIP CLOSURE AREA

Point	N lat.	W long.
NL1	40°50′ N	69°00′ W
NL2	40°20′ N	69°00′ W
NL3	40°20′ N	70°20′ W
NL4	40°50′ N	70°20′ W
NL1	40°50′ N	69°00′ W

■ 10. Amend § 648.80 by:
■ a. Revising paragraphs (a)(9)(i)(A), (a)(11) introductory text, (a)(11)(i)(C), (a)(12), and the introductory text of paragraphs (a)(13), (14), (15), (16), (18), and (19);
■ b. Removing paragraph (b)(11)(ii)(D); and
■ c. Revising paragraphs (d)(2) introductory text, (d)(2)(i), (d)(5), and (g)(6).

The revisions read as follows:

§ 648.80 NE Multispecies regulated mesh areas and restrictions on gear and methods of fishing.

* * * * *

(a) * * *

(9) * * *

(i) * * *

(A) Unless otherwise prohibited in § 648.81, § 648.370, or § 648.371, a vessel subject to the minimum mesh size restrictions specified in paragraph (a)(3) or (4) of this section may fish with or possess nets with a mesh size smaller than the minimum size, provided the vessel complies with the requirements of paragraph (a)(5)(ii) or (a)(9)(ii) of this section, and § 648.86(d), from July 15 through November 15, when fishing in Small Mesh Area 1; and from January 1 through June 30, when fishing in Small Mesh Area 2. While lawfully fishing in these areas with mesh smaller than the minimum size, an owner or operator of any vessel may not fish for, possess on board, or land any species of fish other than: Silver hake and offshore hake, combined, and red hake—up to the amounts specified in § 648.86(d); butterfish, Atlantic mackerel, or squid, up the amounts specified in § 648.26; spiny dogfish, up to the amount specified in § 648.235; Atlantic herring, up to the amount specified in § 648.204; and scup, up to the amount specified in § 648.128.

* * * * *

(11) *GOM Scallop Dredge Exemption Area.* Unless otherwise prohibited in § 648.81, § 648.370, or § 648.371, vessels with a limited access scallop permit that have declared out of the DAS program as specified in § 648.10, or that have used up their DAS allocations, and vessels issued a General Category scallop permit, may fish in the GOM Regulated Mesh Area specified in paragraph (a)(1) of this section, when not under a NE multispecies DAS, providing the vessel fishes in the GOM Scallop Dredge Exemption Area and complies with the requirements specified in paragraph (a)(11)(i) of this section. The GOM Scallop Dredge Fishery Exemption Area is defined by the straight lines connecting the following points in the order stated (copies of a map depicting the area are available from the Regional Administrator upon request):

GOM SCALLOP DREDGE EXEMPTION AREA

Point	N lat.	W long.
SM1	41°35′	70°00′
SM2	41°35′	69°40′
SM3	42°49.5′	69°40′
SM4	43°12′	69°00′
SM5	43°41′	68°00′
SM6	43°58′	67°22′
SM7	(1)	(1)

[1] Northward along the irregular U.S.-Canada maritime boundary to the shoreline.

(i) * * *

(C) The exemption does not apply to the Cashes Ledge Closure Area or the Western GOM Area Closure specified in § 648.81(a)(3) and (4), respectively.

* * * * *

(12) *Nantucket Shoals Mussel and Sea Urchin Dredge Exemption Area.* Unless otherwise prohibited in § 648.81, § 648.370, or § 648.371, a vessel may fish with a dredge in the Nantucket Shoals Mussel and Sea Urchin Dredge Exemption Area, provided that any dredge on board the vessel does not exceed 8 ft (2.4 m), measured at the widest point in the bail of the dredge, and the vessel does not fish for, harvest, possess, or land any species of fish other than mussels and sea urchins. The area coordinates of the Nantucket Shoals Mussel and Sea Urchin Dredge Exemption Area are the same coordinates as those of the Nantucket

Shoals Dogfish Fishery Exemption Area specified in paragraph (a)(10) of this section.

(13) *GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption Area.* Unless otherwise prohibited in § 648.81, § 648.370, or § 648.371, a vessel may fish with gillnets in the GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption Area when not under a NE multispecies DAS if the vessel complies with the requirements specified in paragraph (a)(13)(i) of this section. The GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption Area is defined by straight lines connecting the following points in the order stated:

N lat.	W long.
41°35′	70°00′
42°49.5′	70°00′
42°49.5′	69°40′
43°12′	69°00′
(1)	69°00′

[1] Due north to Maine shoreline.

* * * * *

(14) *GOM/GB Dogfish Gillnet Exemption.* Unless otherwise prohibited in § 648.81, § 648.370, or § 648.371, a vessel may fish with gillnets in the GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption Area when not under a NE multispecies DAS if the vessel complies with the requirements specified in paragraph (a)(14)(i) of this section. The area coordinates of the GOM/GB Dogfish and Monkfish Gillnet Fishery Exemption Area are specified in paragraph (a)(13) of this section.

* * * * *

(15) *Raised Footrope Trawl Exempted Whiting Fishery.* Unless otherwise prohibited in § 648.370 or § 648.371, vessels subject to the minimum mesh size restrictions specified in paragraphs (a)(3) or (4) of this section may fish with, use, or possess nets in the Raised Footrope Trawl Whiting Fishery area with a mesh size smaller than the minimum size specified, if the vessel complies with the requirements specified in paragraph (a)(15)(i) of this section. This exemption does not apply to the Cashes Ledge Closure Areas or the Western GOM Area Closure specified in § 648.81(a)(3) and (4), respectively. The Raised Footrope Trawl Whiting Fishery Area (copies of a chart depicting the area are available from the Regional Administrator upon request) is defined by straight lines connecting the following points in the order stated:

RAISED FOOTROPE TRAWL WHITING FISHERY EXEMPTION AREA

[September 1 through November 20]

Point	N lat.	W long.
RF 1	42°14.05′	70°08.8′
RF 2	42°09.2′	69°47.8′
RF 3	41°54.85′	69°35.2′
RF 4	41°41.5′	69°32.85′
RF 5	41°39′	69°44.3′
RF 6	41°45.6′	69°51.8′
RF 7	41°52.3′	69°52.55′
RF 8	41°55.5′	69°53.45′
RF 9	42°08.35′	70°04.05′
RF 10	42°04.75′	70°16.95′
RF 11	42°00′	70°13.2′
RF 12	42°00′	70°24.1′
RF 13	42°07.85′	70°30.1′
RF 1	42°14.05′	70°08.8′

RAISED FOOTROPE TRAWL WHITING FISHERY EXEMPTION AREA

[November 21 through December 31]

Point	N lat.	W long.
RF 1	42°14.05′	70°08.8′
RF 2	42°09.2′	69°47.8′
RF 3	41°54.85′	69°35.2′
RF 4	41°41.5′	69°32.85′
RF 5	41°39′	69°44.3′
RF 6	41°45.6′	69°51.8′
RF 7	41°52.3′	69°52.55′
RF 8	41°55.5′	69°53.45′
RF 9	42°08.35′	70°04.05′
RF 1	42°14.05′	70°08.8′

* * * * *

(16) *GOM Grate Raised Footrope Trawl Exempted Whiting Fishery.* Unless otherwise prohibited in § 648.370 or § 648.371, vessels subject to the minimum mesh size restrictions specified in paragraphs (a)(3) or (4) of this section may fish with, use, and possess in the GOM Grate Raised Footrope Trawl Whiting Fishery area from July 1 through November 30 of each year, nets with a mesh size smaller than the minimum size specified, if the vessel complies with the requirements specified in paragraphs (a)(16)(i) and (ii) of this section. The GOM Grate Raised Footrope Trawl Whiting Fishery Area (copies of a chart depicting the area are available from the Regional Administrator upon request) is defined by straight lines connecting the following points in the order stated:

GOM GRATE RAISED FOOTROPE TRAWL WHITING FISHERY EXEMPTION AREA

[July 1 through November 30]

Point	N lat.	W long.
GRF1	43°15′	70°35.4′
GRF2	43°15′	70°00′

GOM GRATE RAISED FOOTROPE TRAWL WHITING FISHERY EXEMPTION AREA—Continued

[July 1 through November 30]

Point	N lat.	W long.
GRF3	43°25.2′	70°00′
GRF4	43°41.8′	69°20′
GRF5	43°58.8′	69°20′

* * * * *

(18) *Great South Channel Scallop Dredge Exemption Area.* Unless otherwise prohibited in § 648.370 or § 648.371, vessels issued a LAGC scallop permit, including limited access scallop permits that have used up their DAS allocations, may fish in the Great South Channel Scallop Dredge Exemption Area, as defined under paragraph (a)(18)(i) of this section, when not under a NE multispecies or scallop DAS or on a sector trip, provided the vessel complies with the requirements specified in paragraph (a)(18)(ii) of this section and applicable scallop regulations in subpart D of this part.

* * * * *

(19) *Cape Cod Spiny Dogfish Exemption Areas.* Unless otherwise prohibited in § 648.370 or § 648.371, vessels issued a NE multispecies limited access permit that have declared out of the DAS program as specified in § 648.10, or that have used up their DAS allocations, may fish in the Eastern or Western Cape Cod Spiny Dogfish Exemption Area as defined under paragraphs (a)(19)(i) and (ii) of this section, when not under a NE multispecies or scallop DAS, provided the vessel complies with the requirements for the Eastern or Western area, specified in paragraphs (a)(19)(i) and (ii) of this section, respectively.

* * * * *

(d) * * *

(2) When fishing under this exemption in the GOM/GB Exemption Area, as defined in paragraph (a)(17) of this section, the vessel has on board a letter of authorization issued by the Regional Administrator, and complies with the following restrictions:

(i) The vessel only fishes for, possesses, or lands Atlantic herring, blueback herring, or mackerel in areas north of 42°20′ N lat. and in the areas described in § 648.81(c)(3) and (4); and Atlantic herring, blueback herring, mackerel, or squid in all other areas south of 42°20′ N. lat.; and

* * * * *

(5) To fish for herring under this exemption, a vessel issued an All Areas Limited Access Herring Permit and/or an Areas 2 and 3 Limited Access

Herring Permit fishing on a declared herring trip, or a vessel issued a Limited Access Incidental Catch Herring Permit and/or an Open Access Herring Permit fishing with midwater trawl gear in Management Areas 1A, 1B, and/or 3, as defined in § 648.200(f)(1) and (3), must provide notice of the following information to NMFS at least 72 hr prior to beginning any trip into these areas for the purposes of observer deployment: Vessel name; contact name for coordination of observer deployment; telephone number for contact; the date, time, and port of departure; and whether the vessel intends to engage in fishing in Closed Area I, as defined in § 648.81(c)(3), at any point in the trip; and

* * * * *

(g) * * *

(6) *Gillnet requirements to reduce or prevent marine mammal takes*—(i) *Requirements for gillnet gear capable of catching NE multispecies to reduce harbor porpoise takes.* In addition to the requirements for gillnet fishing identified in this section, all persons owning or operating vessels in the EEZ that fish with sink gillnet gear and other gillnet gear capable of catching NE multispecies, with the exception of single pelagic gillnets (as described in § 648.81(b)(2)(ii) and (d)(5)(ii)), must comply with the applicable provisions of the Harbor Porpoise Take Reduction Plan found in § 229.33 of this title.

(ii) *Requirements for gillnet gear capable of catching NE multispecies to prevent large whale takes.* In addition to the requirements for gillnet fishing identified in this section, all persons owning or operating vessels in the EEZ that fish with sink gillnet gear and other gillnet gear capable of catching NE multispecies, with the exception of single pelagic gillnets (as described in § 648.81(b)(2)(ii) and (d)(5)(ii)), must comply with the applicable provisions of the Atlantic Large Whale Take Reduction Plan found in § 229.32 of this title.

* * * * *

■ 11. Revise § 648.81 to read as follows:

§ 648.81 NE multispecies year-round and seasonal closed areas.

(a) *Year-round groundfish closed areas.* (1) *Restrictions.* No fishing vessel or person on a fishing vessel may enter, fish, or be in, and no fishing gear capable of catching NE multispecies may be used or on board a vessel in, the, Cashes Ledge, Western Gulf of Maine, or Closed Area II Closure Areas, unless otherwise allowed by or exempted under this part. Charts of the areas described in this section are available from the Regional Administrator upon request.

(2) *Exemptions.* Unless restricted by the requirements of subpart P of this part or elsewhere in this part, paragraph (a)(1) of this section does not apply to a fishing vessel or person on a fishing vessel when fishing under the following conditions:

(i) Fishing with or using exempted gear as defined under this part, except for pelagic gillnet gear capable of catching NE multispecies, unless fishing with a single pelagic gillnet not longer than 300 ft (91.4 m) and not greater than 6 ft (1.83 m) deep, with a maximum mesh size of 3 inches (7.6 cm), provided that:

(A) The net is attached to the boat and fished in the upper two-thirds of the water column;

(B) The net is marked with the owner's name and vessel identification number;

(C) No regulated species or ocean pout are retained; and

(D) No other gear capable of catching NE multispecies is on board;

(ii) Fishing in the Midwater Trawl Gear Exempted Fishery as specified in § 648.80(d);

(iii) Fishing in the Purse Seine Gear Exempted Fishery as specified in § 648.80(e);

(iv) Fishing under charter/party or recreational regulations specified in § 648.89, provided that:

(A) A letter of authorization issued by the Regional Administrator is onboard the vessel, which is valid from the date of enrollment until the end of the fishing year;

(B) No harvested or possessed fish species managed by the NEFMC or MAFMC are sold or intended for trade, barter or sale, regardless of where the fish are caught;

(C) Only rod and reel or handline gear is on board the vessel; and

(D) No NE multispecies DAS are used during the entire period for which the letter of authorization is valid.

(3) *Cashes Ledge Closure Area.* The Cashes Ledge Closure Area is defined by straight lines connecting the following points in the order stated:

CASHES LEDGE CLOSURE AREA

Point	N lat.	W long.
CL1	43°07′ N	69°02′ W
CL2	42°49.5′ N	68°46′ W
CL3	42°46.5′ N	68°50.5′ W
CL4	42°43.5′ N	68°58.5′ W
CL5	42°42.5′ N	69°17.5′ W
CL6	42°49.5′ N	69°26′ W
CL1	43°07′ N	69°02′ W

(4) *Western Gulf of Maine Closure Area.* The Western Gulf of Maine Closure Area is defined by straight lines connecting the following points in the order stated:

WESTERN GULF OF MAINE CLOSURE AREA

Point	N lat.	W long.
WGM1	42°15′	70°15′
WGM2	42°15′	69°55′
WGM3	43°15′	69°55′
WGM4	43°15′	70°15′
WGM1	42°15′	70°15′

(5) *Closed Area II Closure Area.* (i) The Closed Area II Closure Area is defined by straight lines, unless otherwise noted, connecting the following points in the order stated:

CLOSED AREA II CLOSURE AREA

Point	N lat.	W long.	Note
CAII1	41°00′	67°20′	
CAII2	41°00′	66°35.8′	
CAII3	41°18.45′	(1)	(2)
CAII4	(3)	67°20′	(2)
CAII5	42°22′	67°20′	
CAII1	41°00′	67°20′	

[1] The intersection of 41°18.45′ N lat. and the U.S.-Canada Maritime Boundary, approximately 41°18.45′ N lat. and 66°24.89′ W long.
[2] From Point CAII3 to Point CAII4 along the U.S.-Canada Maritime Boundary.
[3] The intersection of 67°20′ W long. And the U.S.-Canada Maritime Boundary, approximately 42°22.06′ N lat. and 67°20′ W long.

(ii) Unless otherwise restricted under the EFH Closure(s) specified in paragraph (h) of this section, paragraph (a)(5)(i) of this section does not apply to persons on fishing vessels or fishing vessels—

(A) Fishing with gears as described in paragraph (a)(2) this section.

(B) Fishing with tuna purse seine gear outside of the portion of Closed Area II known as the Habitat Area of Particular Concern, as described in § 648.370(g).

(C) Fishing in the CA II Yellowtail Flounder/Haddock SAP or the Eastern U.S./Canada Haddock SAP Program as specified in § 648.85(b)(3)(ii) or (b)(8)(ii), respectively.

(D) Transiting the area, provided the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2; and

(*1*) The operator has determined, and a preponderance of available evidence indicates, that there is a compelling safety reason; or

(*2*) The vessel has declared into the Eastern U.S./Canada Area as specified in § 648.85(a)(3)(ii) and is transiting CA II in accordance with the provisions of § 648.85(a)(3)(vii).

(E) Fishing for scallops within the Closed Area II Access Area defined in § 648.59(c)(3), during the season specified in § 648.59(c)(4), and pursuant to the provisions specified in § 648.60.

(b) *Gulf of Maine spawning groundfish closures.* (1) *Restrictions.* Unless allowed in this part, no fishing vessel or person on a fishing vessel may enter, fish, or be in, and no fishing gear capable of catching NE multispecies may be used or on board a vessel in, the spawning closure areas described in paragraphs (b)(3) and (4) of this section, during the times specified in this section. Charts depicting the areas defined here are available from the RA upon request.

(2) *Exemptions.* Paragraph (b)(1) of this section does not apply to a fishing vessel or person on a fishing vessel:

(i) That has not been issued a NE multispecies permit that is fishing exclusively in state waters;

(ii) That is fishing with or using exempted gear as defined under this part, excluding pelagic gillnet gear capable of catching NE multispecies, except for a vessel fishing with a single pelagic gillnet not longer than 300 ft (91.4 m) and not greater than 6 ft (1.83 m) deep, with a maximum mesh size of 3 inches (7.6 cm), provided:

(A) The net is attached to the vessel and fished in the upper two-thirds of the water column;

(B) The net is marked with the vessel owner's name and vessel identification number;

(C) No regulated species or ocean pout are retained; and

(D) No other gear capable of catching NE multispecies is on board;

(iii) That is fishing as a charter/party or recreational fishing vessel, provided that:

(A) With the exception of tuna, fish harvested or possessed by the vessel are not sold or intended for trade, barter, or sale, regardless of where the species are caught;

(B) Any gear other than pelagic hook and line gear, as defined in this part, is properly stowed and not available for immediate use as defined in § 648.2; and

(C) No regulated species or ocean pout are retained; and

(iv) That is transiting pursuant to paragraph (e) of this section.

(3) *GOM Cod Spawning Protection Area.* Except as specified in paragraph (b)(2) of this section, from April through June of each year, no fishing vessel or person on a fishing vessel may enter, fish, or be in, and no fishing gear capable of catching NE multispecies may be used or on board a vessel in, the GOM Cod Spawning Protection Area, as defined by straight lines connecting the following points in the order stated:

GOM COD SPAWNING PROTECTION AREA

Point	N latitude	W longitude
CSPA1	42°50.95′	70°32.22′
CSPA2	42°47.65′	70°35.64′
CSPA3	42°54.91′	70°41.88′
CSPA4	42°58.27′	70°38.64′
CSPA1	42°50.95′	70°32.22′

(4) *Winter Massachusetts Bay Spawning Protection Area.* Except as specified in paragraph (b)(2) of this section, from November 1 through January 31 of each year, no fishing vessel or person on a fishing vessel may enter, fish, or be in, and no fishing gear capable of catching NE multispecies may be used or be on board a vessel in, the Massachusetts Bay Protection Area, as defined on the west and south by the outer limit of Massachusetts waters and on the northeast by a straight line connecting the following points, which fall along the Massachusetts state waters boundary:

WINTER MASSACHUSETTS BAY SPAWNING PROTECTION AREA

Point	N latitude	W longitude
WSPA1	42° 23.61′	70° 39.21′
WSPA2	42° 07.68′	70° 26.79′

(5) *Spring Massachusetts Bay Spawning Protection Area.* (i) From April 15 through April 30 of each year, no fishing vessel or person on a fishing vessel may enter, fish, or be in, and no fishing gear capable of catching NE multispecies may be used or on board a vessel in the thirty- minute block defined by straight lines, unless otherwise noted, connecting the following points in the order stated:

SPRING MASSACHUSETTS BAY SPAWNING PROTECTION AREA

Point	N latitude	W longitude	Note
SSPA1	42°30′	(1)	.....
SSPA2	42°30′	70°30′	.....
SSPA3	42°00′	70°30′	.....
SSPA4	42°00′	(2)	(3)
SSPA5	(4)	71°00′	(3)
SSPA6	(5)	71°00′	(6)
SSPA1	42°30′	(1)	(6)

[1] The intersection of 42°30′ N lat. and the coastline at Marblehead, MA.
[2] The intersection of 42°00′ N lat. and the coastline at Kingston, MA.
[3] From Point SSPA4 to Point SSPA5 following the coastline of Massachusetts.
[4] The intersection of 71°00′ W long. and the coastline at Quincy, MA.
[5] The intersection of 71°00′ W long. and the northernmost coastline at East Boston, Boston, MA.
[6] From Point SSPA6 back to Point SSPA 1 following the coastline of Massachusetts.

(ii) Unless otherwise restricted in this part, the Spring Massachusetts Bay Spawning Protection Area closure does not apply to a fishing vessel or person on a fishing vessel that meets the criteria in paragraphs (d)(5)(ii) through (vi) and (x) of this section (listed under the exemptions for the GOM Cod Protection Closures). This includes recreational vessels meeting the criteria specified in paragraphs (d)(5)(v)(A) through (D) of this section.

(c) *Georges Bank Spawning Groundfish Closures.* (1) *Restrictions.* Unless otherwise allowed in this part, no fishing vessel or person on a fishing vessel may enter, fish, or be in, and no fishing gear capable of catching NE multispecies may be used on board a vessel in the spawning closure areas described in paragraphs (b)(3) and (4) of this section, and during the times specified in this section. Charts depicting the areas defined here are available from the RA upon request.

(2) *Exemptions.* Paragraph (c)(1) of this section does not apply to a fishing vessel or person on a fishing vessel:

(i) That is fishing with or using exempted gear as defined under this part, excluding pelagic gillnet gear capable of catching NE multispecies, except for vessels fishing with a single pelagic gillnet not longer than 300 ft (91.4 m) and not greater than 6 ft (1.83 m) deep, with a maximum mesh size of 3 inches (7.6 cm), provided:

(A) The net is attached to the vessel and fished in the upper two-thirds of the water column;

(B) The net is marked with the vessel owner's name and vessel identification number;

(C) No regulated species or ocean pout are retained; and

(D) No other gear capable of catching NE multispecies is on board.

(ii) That is fishing for scallops consistent with the requirements of the scallop fishery management plan, including rotational access program requirements specified in § 648.59.

(iii) That is fishing in the mid-water trawl exempted fishery.

(iv) That is transiting pursuant to the requirements described in § 648.2.

(3) *Closed Area I North.* Except as specified in paragraph (c)(2) of this section, from February 1 through April 15 of each year, no fishing vessel or person on a fishing vessel may enter, fish, or be in; and no fishing gear capable of catching NE multispecies may be used or on board a vessel in, Closed Area I North, as defined by straight lines connecting the following points in the order stated:

CLOSED AREA I—NORTH

Point	N lat.	W long.
CIN1	41°30′	69°23′
CIN2	41°30′	68°30′
CIN3	41°26′	68°30′
CIN4	41°04′	69°01′
CIN1	41°30′	69°23′

(4) *Closed Area II.* Except as specified in paragraph (c)(2) of this section, from February 1 through April 15 of each year, no fishing vessel or person on a fishing vessel may enter, fish, or be in, and no fishing gear capable of catching NE multispecies may be used or on board a vessel in, Closed Area II, as defined by straight lines, unless otherwise noted, connecting the following points in the order stated:

CLOSED AREA II

Point	N lat.	W long.	Note
CAII1	41°00′	67°20′	.....
CAII2	41°00′	66°35.8′	.....
CAII3	41°18.45	(1)	(2)
CAII4	(3)	67°20′	(2)
CAII5	42°22′	67°20′	.....
CAII1	41°00′	67°20′	.....

[1] The intersection of 41°18.45′ N lat. and the U.S.-Canada Maritime Boundary, approximately 41°18.45′ N lat. and 66°24.89′ W long.
[2] From Point CAII3 to Point CAII4 along the U.S.-Canada Maritime Boundary.
[3] The intersection of 67°20′ W long. and the U.S.-Canada Maritime Boundary, approximately 42°22.06′ N lat. and 67°20′ W long.

(d) *GOM Cod Protection Closures.* (1) *Restrictions.* Unless otherwise allowed in this part, no fishing vessel or person on a fishing vessel may enter, fish, or be in, and no fishing gear capable of catching NE multispecies may be used or on board a vessel in, GOM Cod Protection Closures I through V as described, and during the times specified, in paragraphs (d)(4)(i) through (v) of this section.

(2) *Review of closure.* The New England Fishery Management Council shall review the GOM Cod Protection Closures Areas specified in this section when the spawning stock biomass for GOM cod reaches the minimum biomass threshold specified for the stock (50 percent of SSB_{MSY}).

(3) *Seasons.* (i) GOM Cod Protection Closure I is in effect from May 1 through May 31.

(ii) GOM Cod Protection Closure II is in effect from June 1 through June 30.

(iii) GOM Cod Protection Closure III is in effect from November 1 through January 31.

(iv) GOM Cod Protection Closure IV is in effect from October 1 through October 31.

(v) GOM Cod Protection Closure V is in effect from March 1 through March 31.

(4) *GOM Cod Protection Closure Areas.* Charts depicting these areas are available from the Regional Administrator upon request.

(i) *GOM Cod Protection Closure I.* GOM Cod Protection Closure I is the area bounded by the following coordinates connected in the order stated by straight lines, unless otherwise noted:

GOM COD PROTECTION CLOSURE I

[May 1–May 31]

Point	N latitude	W longitude
CPCI 1	43°30′ N	(1)
CPCI 2	43°30′ N	69°30′ W
CPCI 3	43°00′ N	69°30′ W
CPCI 4	43°00′ N	70°00′ W
CPCI 5	42°30′ N	70°00′ W
CPCI 6	42°30′ N	70°30′ W
CPCI 7	42°20′ N	70°30′ W
CPCI 8	42°20′ N	(2) (3)
CPCI 1	43°30′ N	(1) (3)

[1] The intersection of 43°30′ N latitude and the coastline of Maine.
[2] The intersection of 42°20′ N latitude and the coastline of Massachusetts.
[3] From Point 8 back to Point 1 following the coastline of the United States.

(ii) *GOM Cod Protection Closure II.* GOM Cod Protection Closure II is the area bounded by the following coordinates connected in the order

stated by straight lines, unless otherwise noted:

GOM COD PROTECTION CLOSURE II

[June 1–June 30]

Point	N latitude	W longitude
CPCII 1	(1)	69°30′ W
CPCII 2	43°30′ N	69°30′ W
CPCII 3	43°30′ N	70°00′ W
CPCII 4	42°30′ N	70°00′ W
CPCII 5	42°30′ N	70°30′ W
CPCII 6	42°20′ N	70°30′ W
CPCII 7	42°20′ N	(2)(3)
CPCII 8	42°30′ N	((4))(3)
CPCII 9	42°30′ N	70°30′ W
CPCII 10 ..	43°00′ N	70°30′ W
CPCII 11 ..	43°00′ N	(5) (6)
CPCII 1	(1)	69°30′ W (6)

[1] The intersection of 69°30′ W longitude and the coastline of Maine.
[2] The intersection of 42°20′ N latitude and the coastline of Massachusetts.
[3] From Point 7 to Point 8 following the coastline of Massachusetts.
[4] The intersection of 42°30′ N latitude and the coastline of Massachusetts.
[5] The intersection of 43°00′ N latitude and the coastline of New Hampshire.
[6] From Point 11 back to Point 1 following the coastlines of New Hampshire and Maine.

(iii) *GOM Cod Protection Closure III.* GOM Cod Protection Closure III is the area bounded by the following coordinates connected in the order stated by straight lines, unless otherwise noted:

GOM COD PROTECTION CLOSURE III

[November 1–January 31]

Point	N latitude	W longitude
CPCIII 1 ...	42°30′ N	(1)
CPCIII 2 ...	42°30′ N	70°30′ W
CPCIII 3 ...	42°15′ N	70°30′ W
CPCIII 4 ...	42°15′ N	70°24′ W
CPCIII 5 ...	42°00′ N	70°24′ W
CPCIII 6 ...	42°00′ N	(2) (3)
CPCIII 1 ...	42°30′ N	(1) (3)

[1] The intersection of 42°30′ N latitude and the Massachusetts coastline.
[2] The intersection of 42°00′ N latitude and the mainland Massachusetts coastline at Kingston, MA.
[3] From Point 6 back to Point 1 following the coastline of Massachusetts.

(iv) *GOM Cod Protection Closure IV.* GOM Cod Protection Closure IV is the area bounded by the following coordinates connected in the order stated by straight lines, unless otherwise noted:

GOM COD PROTECTION CLOSURE IV

[October 1–October 31]

Point	N latitude	W longitude
CPCIV 1 ...	42°30′ N	(1)
CPCIV 2 ...	42°30′ N	70°00′ W
CPCIV 3 ...	42°00′ N	70°00′ W

GOM COD PROTECTION CLOSURE IV—Continued

[October 1–October 31]

Point	N latitude	W longitude
CPCIV 4 ...	42°00′ N	(2) (3)
CPCIV 1 ...	42°30′ N	(1) (3)

[1] The intersection of 42°30′ N latitude and the Massachusetts coastline.
[2] The intersection of 42°00′ N latitude and the mainland Massachusetts coastline at Kingston, MA.
[3] From Point 4 back to Point 1 following the coastline of Massachusetts.

(v) *GOM Cod Protection Closure V.* GOM Cod Protection Closure V is the area bounded by the following coordinates connected in the order stated by straight lines:

GOM COD PROTECTION CLOSURE V

[March 1–March 31]

Point	N latitude	W longitude
CPCV 1	42°30′ N	70°00′ W
CPCV 2	42°30′ N	68°30′ W
CPCV 3	42°00′ N	68°30′ W
CPCV 4	42°00′ N	70°00′ W
CPCV 1	42°30′ N	70°00′ W

(5) *Exemptions.* The GOM cod protection closures specified in this section do not apply to a fishing vessel or person on board a fishing vessel under any of the following conditions:

(i) No multispecies permit has been issued and the vessel is fishing exclusively in state waters;

(ii) Fishing with or using exempted gear as defined under this part, except for pelagic gillnet gear capable of catching NE multispecies, unless fishing with a single pelagic gillnet not longer than 300 ft (91.4 m) and not greater than 6 ft (1.83 m) deep, with a maximum mesh size of 3 inches (7.6 cm), provided that:

(A) The net is attached to the boat and fished in the upper two-thirds of the water column;

(B) The net is marked with the owner's name and vessel identification number;

(C) No regulated species are retained; and

(D) No other gear capable of catching NE multispecies is on board;

(iii) Fishing in the Midwater Trawl Gear Exempted Fishery as specified in § 648.80(d);

(iv) Fishing in the Purse Seine Gear Exempted Fishery as specified in § 648.80(e);

(v) Fishing under charter/party or recreational regulations specified in § 648.89, provided that:

(A) A vessel fishing under charter/party regulations in a GOM cod protection closure described under paragraph (f)(4) of this section, has on board a letter of authorization issued by the Regional Administrator that is valid from the date of enrollment through the duration of the closure or 3 months duration, whichever is greater;

(B) No harvested or possessed fish species managed by the NEFMC or MAFMC are sold or intended for trade, barter or sale, regardless of where the fish are caught;

(C) Only rod and reel or handline gear is on board; and

(D) No NE multispecies DAS are used during the entire period for which the letter of authorization is valid;

(vi) Fishing with scallop dredge gear under a scallop DAS or when lawfully fishing in the Scallop Dredge Fishery Exemption Area as described in § 648.80(a)(11), provided the vessel does not retain any regulated NE multispecies during a trip, or on any part of a trip;

(vii) Fishing in the Raised Footrope Trawl Exempted Whiting Fishery, as specified in § 648.80(a)(15), or in the Small Mesh Area II Exemption Area, as specified in § 648.80(a)(9);

(viii) Fishing on a sector trip, as defined in this part, and in the GOM Cod Protection Closures IV or V, as specified in paragraphs (f)(4)(iv) and (v) of this section; or

(ix) Fishing under the provisions of a Northeast multispecies Handgear A permit, as specified at § 648.82(b)(6), and in the GOM Cod Protection Closures IV or V, as specified in paragraphs (f)(4)(iv) and (v) of this section.

(x) Transiting the area, provided it complies with the requirements specified in paragraph (e) of this section.

(e) *Transiting.* (1) Unless otherwise restricted or specified in this paragraph (e), a vessel may transit the Cashes Ledge Closed Area, the Western GOM Closure Area, the GOM Cod Protection Closures, and the GOM Cod Spawning Protection Area, as defined in paragraphs (a)(3) and (4), (d)(4), and (b)(3), of this section, respectively, provided that its gear is stowed and not available for immediate use as defined in § 648.2.

(2) Private recreational or charter/party vessels fishing under the Northeast multispecies provisions specified at § 648.89 may transit the GOM Cod Spawning Protection Area, as defined in paragraph (b)(3) of this section, provided all bait and hooks are removed from fishing rods, and any regulated species on board have been caught outside the GOM Cod Spawning

Protection Area and has been gutted and stored.

(f) *Restricted Gear Areas*—(1) *Restricted Gear Area Seasons.* No fishing vessel with mobile gear on board, or person on a fishing vessel with mobile gear on board, may fish or be in the specified Restricted Gear Areas, unless transiting, during the seasons below. No fishing vessel with lobster pot gear on board, or person on a fishing vessel with lobster pot gear on board, may fish in, and no lobster pot gear may be deployed or remain in the specified Restricted Gear Areas. Vessels with lobster pot gear on board may transit during the seasons listed in the table in this paragraph (f)(1).

	Mobile gear	Lobster pot gear
Restricted Gear Area I	October 1–June 15	June 16–September 30.
Restricted Gear Area II	November 27–June 15	June 16–November 26.
Restricted Gear Area III	June 16–November 26	January 1–April 30.
Restricted Gear Area IV	June 16–September 30	n/a.

(2) *Transiting.* Vessels with mobile gear may transit this area, provided that all mobile gear is on board the vessel while inside the area, and is stowed and not available for immediate use as defined in § 648.2.

(3) *Restricted Gear Area I.* Restricted Gear Area I is defined by the following points connected in the order listed by straight lines (points followed by an asterisk are shared with an adjacent Restricted Gear Area):

Point	Latitude	Longitude	Note
AA	40°02.75′ N	70°16.10′ W	(*)
AB	40°02.45′ N	70°14.10′ W	(*)
AC	40°05.20′ N	70°10.90′ W	(*)
AD	40°03.75′ N	70°10.15′ W	(*)
AE	40°00.70′ N	70°08.70′ W	(*)
AF	39°59.20′ N	70°04.90′ W	(*)
AG	39°58.25′ N	70°03.00′ W	(*)
AH	39°56.90′ N	69°57.45′ W	(*)
AI	39°57.40′ N	69°55.90′ W	(*)
AJ	39°57.55′ N	69°54.05′ W	(*)
AK	39°56.70′ N	69°53.60′ W	(*)
AL	39°55.75′ N	69°41.40′ W	(*)
AM	39°56.20′ N	69°40.20′ W	(*)
AN	39°58.80′ N	69°38.45′ W	(*)
AO	39°59.15′ N	69°37.30′ W	(*)
AP	40°00.90′ N	69°37.30′ W	(*)
AQ	40°00.65′ N	69°36.50′ W	(*)
AR	39°57.85′ N	69°35.15′ W	(*)
AS	39°56.80′ N	69°34.10′ W	(*)
AT	39°56.50′ N	69°26.35′ W	(*)
AU	39°56.75′ N	69°24.40′ W	(*)
AV	39°57.80′ N	69°20.35′ W	(*)
AW	40°00.05′ N	69°14.60′ W	(*)
AX	40°02.65′ N	69°11.15′ W	(*)
AY	40°02.00′ N	69°08.35′ W	(*)
AZ	40°02.65′ N	69°05.60′ W	(*)
BA	40°04.10′ N	69°03.90′ W	(*)
BB	40°05.65′ N	69°03.55′ W	(*)
BC	40°08.45′ N	69°03.60′ W	(*)
BD	40°09.75′ N	69°04.15′ W	(*)
BE	40°10.25′ N	69°04.40′ W	(*)
BF	40°11.60′ N	69°05.40′ W	(*)
BG	40°11.00′ N	69°03.80′ W	(*)
BH	40°08.90′ N	69°01.75′ W	(*)
BI	40°05.30′ N	69°01.10′ W	(*)
BJ	40°05.20′ N	69°00.50′ W	(*)
BK	40°04.35′ N	69°00.50′ W	(*)
BL	40°03.65′ N	69°00.00′ W	(*)
BM	40°03.60′ N	68°57.20′ W	(*)
BN	40°05.70′ N	68°52.40′ W	(*)
BO	40°08.10′ N	68°51.00′ W	(*)
BP	40°08.70′ N	68°49.60′ W	(*)
BQ	40°06.90′ N	68°46.50′ W	(*)
BR	40°07.20′ N	68°38.40′ W	(*)
BS	40°07.90′ N	68°36.00′ W	(*)
BT	40°06.40′ N	68°35.80′ W	
BU	40°05.25′ N	68°39.30′ W	
BV	40°05.40′ N	68°44.50′ W	
BW	40°06.00′ N	68°46.50′ W	
BX	40°07.40′ N	68°49.60′ W	
BY	40°05.55′ N	68°49.80′ W	
BZ	40°03.90′ N	68°51.70′ W	
CA	40°02.25′ N	68°55.40′ W	

Point	Latitude	Longitude	Note
CB	40°02.60′ N	69°00.00′ W	
CC	40°02.75′ N	69°00.75′ W	
CD	40°04.20′ N	69°01.75′ W	
CE	40°06.15′ N	69°01.95′ W	
CF	40°07.25′ N	69°02.00′ W	
CG	40°08.50′ N	69°02.25′ W	
CH	40°09.20′ N	69°02.95′ W	
CI	40°09.75′ N	69°03.30′ W	
CJ	40°09.55′ N	69°03.85′ W	
CK	40°08.40′ N	69°03.40′ W	
CL	40°07.20′ N	69°03.30′ W	
CM	40°06.00′ N	69°03.10′ W	
CN	40°05.40′ N	69°03.05′ W	
CO	40°04.80′ N	69°03.05′ W	
CP	40°03.55′ N	69°03.55′ W	
CQ	40°01.90′ N	69°03.95′ W	
CR	40°01.00′ N	69°04.40′ W	
CS	39°59.90′ N	69°06.25′ W	
CT	40°00.60′ N	69°10.05′ W	
CU	39°59.25′ N	69°11.15′ W	
CV	39°57.45′ N	69°16.05′ W	
CW	39°56.10′ N	69°20.10′ W	
CX	39°54.60′ N	69°25.65′ W	
CY	39°54.65′ N	69°26.90′ W	
CZ	39°54.80′ N	69°30.95′ W	
DA	39°54.35′ N	69°33.40′ W	
DB	39°55.00′ N	69°34.90′ W	
DC	39°56.55′ N	69°36.00′ W	
DD	39°57.95′ N	69°36.45′ W	
DE	39°58.75′ N	69°36.30′ W	
DF	39°58.80′ N	69°36.95′ W	
DG	39°57.95′ N	69°38.10′ W	
DH	39°54.50′ N	69°38.25′ W	
DI	39°53.60′ N	69°46.50′ W	
DJ	39°54.70′ N	69°50.00′ W	
DK	39°55.25′ N	69°51.40′ W	
DL	39°55.20′ N	69°53.10′ W	
DM	39°54.85′ N	69°53.90′ W	
DN	39°55.70′ N	69°54.90′ W	
DO	39°56.15′ N	69°55.35′ W	
DP	39°56.05′ N	69°56.25′ W	
DQ	39°55.30′ N	69°57.10′ W	
DR	39°54.80′ N	69°58.60′ W	
DS	39°56.05′ N	70°00.65′ W	
DT	39°55.30′ N	70°02.95′ W	
DU	39°56.90′ N	70°11.30′ W	
DV	39°58.90′ N	70°11.50′ W	
DW	39°59.60′ N	70°11.10′ W	
DX	40°01.35′ N	70°11.20′ W	
DY	40°02.60′ N	70°12.00′ W	
DZ	40°00.40′ N	70°12.30′ W	
EA	39°59.75′ N	70°13.05′ W	
EB	39°59.30′ N	70°14.00′ W	(*)
AA	40°02.75′ N	70°16.10′ W	(*)

(4) *Restricted Gear Area II.* Restricted Gear Area II is defined by the following points connected in the order listed by straight lines (points followed by an asterisk are shared with an adjacent Restricted Gear Area):

Point	Latitude	Longitude	Note
AA	40°02.75′ N	70°16.10′ W	(*)
AB	40°02.45′ N	70°14.10′ W	(*)
AC	40°05.20′ N	70°10.90′ W	(*)
AD	40°03.75′ N	70°10.15′ W	(*)
AE	40°00.70′ N	70°08.70′ W	(*)
AF	39°59.20′ N	70°04.90′ W	(*)
AG	39°58.25′ N	70°03.00′ W	(*)
AH	39°56.90′ N	69°57.45′ W	(*)
AI	39°57.40′ N	69°55.90′ W	(*)
AJ	39°57.55′ N	69°54.05′ W	(*)
AK	39°56.70′ N	69°53.60′ W	(*)

Point	Latitude	Longitude	Note
AL	39°55.75′ N	69°41.40′ W	(*)
AM	39°56.20′ N	69°40.20′ W	(*)
AN	39°58.80′ N	69°38.45′ W	(*)
AO	39°59.15′ N	69°37.30′ W	(*)
AP	40°00.90′ N	69°37.30′ W	(*)
AQ	40°00.65′ N	69°36.50′ W	(*)
AR	39°57.85′ N	69°35.15′ W	(*)
AS	39°56.80′ N	69°34.10′ W	(*)
AT	39°56.50′ N	69°26.35′ W	(*)
AU	39°56.75′ N	69°24.40′ W	(*)
AV	39°57.80′ N	69°20.35′ W	(*)
AW	40°00.05′ N	69°14.60′ W	(*)
AX	40°02.65′ N	69°11.15′ W	(*)
AY	40°02.00′ N	69°08.35′ W	(*)
AZ	40°02.65′ N	69°05.60′ W	(*)
BA	40°04.10′ N	69°03.90′ W	(*)
BB	40°05.65′ N	69°03.55′ W	(*)
BC	40°08.45′ N	69°03.60′ W	(*)
BD	40°09.75′ N	69°04.15′ W	(*)
BE	40°10.25′ N	69°04.40′ W	(*)
BF	40°11.60′ N	69°05.40′ W	(*)
BG	40°11.00′ N	69°03.80′ W	(*)
BH	40°08.90′ N	69°01.75′ W	(*)
BI	40°05.30′ N	69°01.10′ W	(*)
BJ	40°05.20′ N	69°00.50′ W	(*)
BK	40°04.35′ N	69°00.50′ W	(*)
BL	40°03.65′ N	69°00.00′ W	(*)
BM	40°03.60′ N	68°57.20′ W	(*)
BN	40°05.70′ N	68°52.40′ W	(*)
BO	40°08.10′ N	68°51.00′ W	(*)
BP	40°08.70′ N	68°49.60′ W	(*)
BQ	40°06.90′ N	68°46.50′ W	(*)
BR	40°07.20′ N	68°38.40′ W	(*)
BS	40°07.90′ N	68°36.00′ W	(*)
BT	40°06.40′ N	68°35.80′ W	
BU	40°05.25′ N	68°39.30′ W	
BV	40°05.40′ N	68°44.50′ W	
BW	40°06.00′ N	68°46.50′ W	
BX	40°07.40′ N	68°49.60′ W	
BY	40°05.55′ N	68°49.80′ W	
BZ	40°03.90′ N	68°51.70′ W	
CA	40°02.25′ N	68°55.40′ W	
CB	40°02.60′ N	69°00.00′ W	
CC	40°02.75′ N	69°00.75′ W	
CD	40°04.20′ N	69°01.75′ W	
CE	40°06.15′ N	69°01.95′ W	
CF	40°07.25′ N	69°02.00′ W	
CG	40°08.50′ N	69°02.25′ W	
CH	40°09.20′ N	69°02.95′ W	
CI	40°09.75′ N	69°03.30′ W	
CJ	40°09.55′ N	69°03.85′ W	
CK	40°08.40′ N	69°03.40′ W	
CL	40°07.20′ N	69°03.30′ W	
CM	40°06.00′ N	69°03.10′ W	
CN	40°05.40′ N	69°03.05′ W	
CO	40°04.80′ N	69°03.05′ W	
CP	40°03.55′ N	69°03.55′ W	
CQ	40°01.90′ N	69°03.95′ W	
CR	40°01.00′ N	69°04.40′ W	
CS	39°59.90′ N	69°06.25′ W	
CT	40°00.60′ N	69°10.05′ W	
CU	39°59.25′ N	69°11.15′ W	
CV	39°57.45′ N	69°16.05′ W	
CW	39°56.10′ N	69°20.10′ W	
CX	39°54.60′ N	69°25.65′ W	
CY	39°54.65′ N	69°26.90′ W	
CZ	39°54.80′ N	69°30.95′ W	
DA	39°54.35′ N	69°33.40′ W	
DB	39°55.00′ N	69°34.90′ W	
DC	39°56.55′ N	69°36.00′ W	
DD	39°57.95′ N	69°36.45′ W	
DE	39°58.75′ N	69°36.30′ W	
DF	39°58.80′ N	69°36.95′ W	
DG	39°57.95′ N	69°38.10′ W	

Point	Latitude	Longitude	Note
DH	39°54.50′ N	69°38.25′ W	
DI	39°53.60′ N	69°46.50′ W	
DJ	39°54.70′ N	69°50.00′ W	
DK	39°55.25′ N	69°51.40′ W	
DL	39°55.20′ N	69°53.10′ W	
DM	39°54.85′ N	69°53.90′ W	
DN	39°55.70′ N	69°54.90′ W	
DO	39°56.15′ N	69°55.35′ W	
DP	39°56.05′ N	69°56.25′ W	
DQ	39°55.30′ N	69°57.10′ W	
DR	39°54.80′ N	69°58.60′ W	
DS	39°56.05′ N	70°00.65′ W	
DT	39°55.30′ N	70°02.95′ W	
DU	39°56.90′ N	70°11.30′ W	
DV	39°58.90′ N	70°11.50′ W	
DW	39°59.60′ N	70°11.10′ W	
DX	40°01.35′ N	70°11.20′ W	
DY	40°02.60′ N	70°12.00′ W	
DZ	40°00.40′ N	70°12.30′ W	
EA	39°59.75′ N	70°13.05′ W	
EB	39°59.30′ N	70°14.00′ W	(*)
AA	40°02.75′ N	70°16.10′ W	(*)

(5) *Restricted Gear Area III.* Restricted Gear Area III is defined by the following points connected in the order listed by straight lines (points followed by an asterisk are shared with an adjacent Restricted Gear Area):

Point	Latitude	Longitude	Note
AA	40°02.75′ N	70°16.10′ W	(*)
GL	40°00.70′ N	70°18.60′ W	(*)
GK	39°59.80′ N	70°21.75′ W	(*)
GJ	39°59.75′ N	70°25.50′ W	(*)
GI	40°03.85′ N	70°28.75′ W	(*)
GH	40°00.55′ N	70°32.10′ W	(*)
GG	39°59.15′ N	70°34.45′ W	(*)
GF	39°58.90′ N	70°38.65′ W	(*)
GE	40°00.10′ N	70°45.10′ W	(*)
GD	40°00.50′ N	70°57.60′ W	(*)
GC	40°02.00′ N	71°01.30′ W	(*)
GB	39°59.30′ N	71°18.40′ W	(*)
GA	40°00.70′ N	71°19.80′ W	(*)
FZ	39°57.50′ N	71°20.60′ W	(*)
FY	39°53.10′ N	71°36.10′ W	(*)
FX	39°52.60′ N	71°40.35′ W	(*)
FW	39°53.10′ N	71°42.70′ W	(*)
FV	39°46.95′ N	71°49.00′ W	(*)
FU	39°41.15′ N	71°57.10′ W	(*)
FT	39°35.45′ N	72°02.00′ W	(*)
FS	39°32.65′ N	72°06.10′ W	(*)
FR	39°29.75′ N	72°09.80′ W	(*)
GM	39°33.65′ N	72°15.00′ W	
GN	39°47.20′ N	72°01.60′ W	
GO	39°53.75′ N	71°52.25′ W	
GP	39°55.85′ N	71°45.00′ W	
GQ	39°55.60′ N	71°41.20′ W	
GR	39°57.90′ N	71°28.70′ W	
GS	40°10.70′ N	71°10.25′ W	
GT	40°12.75′ N	70°55.05′ W	
GU	40°11.05′ N	70°45.80′ W	
GV	40°06.50′ N	70°40.05′ W	
GW	40°05.60′ N	70°17.70′ W	
AA	40°02.75′ N	70°16.10′ W	(*)

(6) *Restricted Gear Area IV.* Restricted Gear Area IV is defined by the following points connected in the order listed by straight lines (points followed by an asterisk are shared with an adjacent Restricted Gear Area):

Point	Latitude	Longitude	Note
AA	40°02.75′ N	70°16.10′ W	(*)

Point	Latitude	Longitude	Note
GX	40°07.80′ N	70°09.20′ W	
GY	40°07.60′ N	70°04.50′ W	
GZ	40°02.10′ N	69°45.00′ W	
HA	40°01.30′ N	69°45.00′ W	
HB	40°00.50′ N	69°38.80′ W	
HC	40°01.70′ N	69°37.40′ W	
HD	40°01.70′ N	69°35.40′ W	
HE	40°00.40′ N	69°35.20′ W	
HF	39°57.30′ N	69°25.10′ W	
HG	40°05.50′ N	69°09.00′ W	
HH	40°14.30′ N	69°05.80′ W	
HI	40°14.00′ N	69°04.70′ W	
HJ	40°11.60′ N	68°53.00′ W	
HK	40°13.60′ N	68°40.60′ W	
BS	40°07.90′ N	68°36.00′ W	(*)
BR	40°07.20′ N	68°38.40′ W	(*)
BQ	40°06.90′ N	68°46.50′ W	(*)
BP	40°08.70′ N	68°49.60′ W	(*)
BO	40°08.10′ N	68°51.00′ W	(*)
BN	40°05.70′ N	68°52.40′ W	(*)
BM	40°03.60′ N	68°57.20′ W	(*)
BL	40°03.65′ N	69°00.00′ W	(*)
BK	40°04.35′ N	69°00.50′ W	(*)
BJ	40°05.20′ N	69°00.50′ W	(*)
BI	40°05.30′ N	69°01.10′ W	(*)
BH	40°08.90′ N	69°01.75′ W	(*)
BG	40°11.00′ N	69°03.80′ W	(*)
BF	40°11.60′ N	69°05.40′ W	(*)
BE	40°10.25′ N	69°04.40′ W	(*)
BD	40°09.75′ N	69°04.15′ W	(*)
BC	40°08.45′ N	69°03.60′ W	(*)
BB	40°05.65′ N	69°03.55′ W	(*)
BA	40°04.10′ N	69°03.90′ W	(*)
AZ	40°02.65′ N	69°05.60′ W	(*)
AY	40°02.00′ N	69°08.35′ W	(*)
AX	40°02.65′ N	69°11.15′ W	(*)
AW	40°00.05′ N	69°14.60′ W	(*)
AV	39°57.80′ N	69°20.35′ W	(*)
AU	39°56.75′ N	69°24.40′ W	(*)
AT	39°56.50′ N	69°26.35′ W	(*)
AS	39°56.80′ N	69°34.10′ W	(*)
AR	39°57.85′ N	69°35.15′ W	(*)
AQ	40°00.65′ N	69°36.50′ W	(*)
AP	40°00.90′ N	69°37.30′ W	(*)
AO	39°59.15′ N	69°37.30′ W	(*)
AN	39°58.80′ N	69°38.45′ W	(*)
AM	39°56.20′ N	69°40.20′ W	(*)
AL	39°55.75′ N	69°41.40′ W	(*)
AK	39°56.70′ N	69°53.60′ W	(*)
AJ	39°57.55′ N	69°54.05′ W	(*)
AI	39°57.40′ N	69°55.90′ W	(*)
AH	39°56.90′ N	69°57.45′ W	(*)
AG	39°58.25′ N	70°03.00′ W	(*)
AF	39°59.20′ N	70°04.90′ W	(*)
AE	40°00.70′ N	70°08.70′ W	(*)
AD	40°03.75′ N	70°10.15′ W	(*)
AC	40°05.20′ N	70°10.90′ W	(*)
AB	40°02.45′ N	70°14.10′ W	(*)
AA	40°02.75′ N	70°16.10′ W	(*)

■ 12. Amend § 648.87 by revising paragraphs (c)(2)(i) introductory text and (c)(2)(ii)(B) to read as follows:

§ 648.87 Sector allocation.

* * * * *

(c) * * *

(2) * * *

(i) *Regulations that may not be exempted for sector participants.* The Regional Administrator may not exempt participants in a sector from the following Federal fishing regulations: Specific times and areas within the NE multispecies year-round closure areas; permitting restrictions (*e.g.,* vessel upgrades, etc.); gear restrictions designed to minimize habitat impacts (*e.g.,* roller gear restrictions, etc.); reporting requirements; and AMs specified in § 648.90(a)(5)(i)(D). For the purposes of this paragraph (c)(2)(i), the DAS reporting requirements specified in § 648.82, the SAP-specific reporting requirements specified in § 648.85, VMS requirements for Handgear A category permitted vessels as specified in § 648.10, and the reporting requirements associated with a dockside monitoring program are not considered reporting requirements, and the Regional

Administrator may exempt sector participants from these requirements as part of the approval of yearly operations plans. For the purpose of this paragraph (c)(2)(i), the Regional Administrator may not grant sector participants exemptions from the NE multispecies year-round closures areas defined as Habitat Management Areas as defined in § 648.370; Closed Area I North and Closed Area II, as defined in § 648.81(c)(3) and (4), respectively, during the period February 16 through April 30; and the Western GOM Closure Area, as defined at § 648.81(a)(4), where it overlaps with GOM Cod Protection Closures I through III, as defined in § 648.81(d)(4). This list may be modified through a framework adjustment, as specified in § 648.90.

* * * * *

(ii) * * *

(B) The GOM Cod Protection Closures IV and V specified in § 648.81(d)(4)(iv) and (v).

* * * * *

■ 13. In § 648.89, revise paragraph (e)(1) and remove and reserve paragraph (e)(2) to read as follows:

§ 648.89 Recreational and charter/party vessel restrictions.

* * * * *

(e) *Charter/party vessel restrictions on fishing in GOM closed areas*—(1) *GOM closed areas.* (i) A vessel fishing under charter/party regulations may not fish in the GOM closed areas specified in § 648.81(a)(3) and (4) and (d)(4) during the time periods specified in those paragraphs, unless the vessel has on board a valid letter of authorization issued by the Regional Administrator pursuant to § 648.81(d)(5)(v) and paragraph (e)(3) of this section. The conditions and restrictions of the letter of authorization must be complied with for a minimum of 3 months if the vessel fishes or intends to fish in the GOM cod protection closures; or for the rest of the fishing year, beginning with the start of the participation period of the letter of authorization, if the vessel fishes or intends to fish in the year-round GOM closure areas.

(ii) A vessel fishing under charter/party regulations may not fish in the GOM Cod Spawning Protection Area specified at § 648.81(b)(3) during the time period specified in that paragraph, unless the vessel complies with the requirements specified at § 648.81(b)(2)(iii).

* * * * *

■ 14. In § 648.202, revise paragraph (b)(1) to read as follows:

§ 648.202 Season and area restrictions.

* * * * *

(b) *Fishing in Northeast Multispecies Closed Areas.* (1) No vessel issued an Atlantic herring permit and fishing with midwater trawl gear, may fish for, possess or land fish in or from the Closed Areas, including Cashes Ledge Closure Area, Western GOM Closure Area, Closed Area I North (February 1–April 15), and Closed Area II, as defined in § 648.81(a)(3), (4), and (5) and (c)(3) and (4), respectively, unless it has declared first its intent to fish in the Closed Areas as required by § 648.11(m)(1), and is carrying onboard a NMFS-certified observer.

* * * * *

■ 15. Revise § 648.203(a) to read as follows:

§ 648.203 Gear restrictions.

(a) Midwater trawl gear may only be used by a vessel issued a valid herring permit in the GOM/GB Exemption Area as defined in § 648.80(a)(17), provided it complies with the midwater trawl gear exemption requirements specified under the NE multispecies regulations at § 648.80(d), including issuance of a Letter of Authorization.

* * * * *

■ 16. Add subpart Q to part 648 to read as follows:

Subpart Q—Habitat-Related Management Measures

Subpart Q—Habitat-Related Management Measures

§ 648.370 Habitat Management Areas.

Unless otherwise specified, no fishing vessel or person on a fishing vessel may fish with bottom-tending mobile gear in the areas defined in this section. Copies of charts depicting these areas are available from the Regional Administrator upon request.

(a) *Eastern Maine Habitat Management Area.* The Eastern Maine HMA is bounded on the northwest by the outer limit of Maine state waters, and bounded on all other sides by straight lines connecting the following points in the order stated:

EASTERN MAINE HMA

Point	N latitude	W longitude
EMH1 [1]	44°07.65′ N	68°10.64′ W
EMH2	44°02.50′ N	68°06.10′ W
EMH3	43°51.00′ N	68°33.90′ W

EASTERN MAINE HMA—Continued

Point	N latitude	W longitude
EMH4 [1]	43°56.62′ N	68°38.12′ W

[1] Points 1 and 4 are intended to fall along the outer limit of Maine state waters.

(b) *Jeffreys Bank Habitat Management Area.* The Jeffreys Bank HMA is defined by straight lines connecting the following points in the order stated:

JEFFREYS BANK HMA

Point	N latitude	W longitude
JBH1	43°31′ N	68°37′ W
JBH2	43°20′ N	68°37′ W
JBH3	43°20′ N	68°55′ W
JBH4	43°31′ N	68°55′ W
JBH1	43°31′ N	68°37′ W

(c) *Cashes Ledge Habitat Management Area.* The Cashes Ledge HMA is defined by straight lines connecting the following points in the order stated:

CASHES LEDGE HMA

Point	N latitude	W longitude
CLH1	43°01.0′ N	69°00.0′ W
CLH2	43°01.0′ N	68°52.0′ W
CLH3	42°45.0′ N	68°52.0′ W
CLH4	42°45.0′ N	69°00.0′ W
CLH1	43°01.0′ N	69°00.0′ W

(d) *Fippennies Ledge Habitat Management Area.* The Fippennies Ledge HMA is defined by straight lines connecting the following points in the order stated:

FIPPENNIES LEDGE HMA

Point	N latitude	W longitude
FLH1	42°50.0′ N	69°17.0′ W
FLH2	42°44.0′ N	69°14.0′ W
FLH3	42°44.0′ N	69°18.0′ W
FLH4	42°50.0′ N	69°21.0′ W
FLH1	42°50.0′ N	69°17.0′ W

(e) *Ammen Rock Habitat Management Area.* (1) The Ammen Rock HMA is defined by straight lines connecting the following points in the order stated:

AMMEN ROCK HMA

Point	N latitude	W longitude
ARH1	42°55.5′ N	68°57.0′ W
ARH2	42°52.5′ N	68°55.0′ W
ARH3	42°52.5′ N	68°57.0′ W
ARH4	42°55.5′ N	68°59.0′ W
ARH1	42°55.5′ N	68°57.0′ W

(2) No fishing vessel, including private and for-hire recreational fishing vessels, may fish in the Ammen Rock

HMA, except for vessels fishing exclusively with lobster traps, as defined in § 697.2.

(f) *Western Gulf of Maine Habitat Management Area.* (1) *Coordinates.* The Western GOM HMA is defined by the straight lines connecting the following points in the order stated:

WESTERN GULF OF MAINE HMA

Point	N latitude	W longitude
WGMH1 ...	43°15′ N	70°15′ W
WGMH2 ...	42°15′ N	70°15′ W
WGMH3 ...	42°15′ N	70°00′ W
WGMH4 ...	43°15′ N	70°15′ W
WGMH1 ...	43°15′ N	70°15′ W

(2) *Western Gulf of Maine Shrimp Exemption Area.* Vessels fishing with shrimp trawls under the Small Mesh Northern Shrimp Fishery Exemption specified at § 648.80(a)(5) may fish within the Western Gulf of Maine HMA Shrimp Exemption Area which is defined by the straight lines connecting the following points in the order stated:

WESTERN GULF OF MAINE SHRIMP EXEMPTION AREA

Point	N latitude	W longitude
SEA1	43°15′ N	70° W
SEA2	43°13′ N	70° W
SEA3	43°13′ N	70°05′ W

WESTERN GULF OF MAINE SHRIMP EXEMPTION AREA—Continued

Point	N latitude	W longitude
SEA4	43°09′ N	70°05′ W
SEA5	43°09′ N	70°08′ W
SEA6	42°55′ N	70°08′ W
SEA7	42°55′ N	70°15′ W
SEA8	43°15′ N	70°15′ W
SEA1	43°15′ N	70° W

(g) *Closed Area II Habitat Closure Area.* The Closed Area II Habitat Closure Area is defined by the straight lines, except where otherwise noted, connecting the following points in the order stated:

CLOSED AREA II HABITAT CLOSURE AREA

Point	N latitude	W longitude	Notes
CIIH1	42°10′ N	67°20′ W	
CIIH2	42°10′ N	67°9.38′ W	(1 2)
CIIH3	42°00′ N	67°0.63′ W	(2 3)
CIIH4	42°00′ N	67°10′ W	
CIIH5	41°50′ N	67°10′ W	
CIIH6	41°50′ N	67°20′ W	
CIIH1	42°10′ N	67°20′ W	

[1] Point CIIH2 represents the intersection of 42°10′ N lat. and the U.S.-Canada Maritime Boundary.
[2] From Point CIIH2 to Point CIIH3 along the U.S.-Canada Maritime Boundary.
[3] Point CIIH3 represents the intersection of 42°00′ N lat. and the U.S.-Canada maritime Boundary.

(h) *Great South Channel Habitat Management Area.* (1) *Coordinates.* The Great South Channel HMA is defined by the straight lines connecting the following points in the order stated:

GREAT SOUTH CHANNEL HMA

Point	N latitude	W longitude
GSCH1	41°30.3′ N	69°31.0′ W
GSCH2	41°0.00′ N	69°18.5′ W
GSCH3	40°51.7′ N	69°18.5′ W
GSCH4	40°51.6′ N	69°48.9′ W
GSCH5	41°30.2′ N	69°49.3′ W
GSCH1	41°30.3′ N	69°31.0′ W

(2) *Hydraulic Clam Dredge Exemption.* (i) Except for the portion of the Great South Channel HMA defined in paragraph (h)(2)(iii) of this section, surfclam and ocean quahog permitted vessels may fish with hydraulic clam dredges in the Great South Channel HMA.

(ii) The Hydraulic clam dredge exemption is effective until April 9, 2019, after which, no vessels fishing with hydraulic clam dredges may fish within the Great South Channel HMA.

(iii) The hydraulic clam dredge exemption does not apply in the area defined as the straight lines connecting the following points in the order stated:

Point	N latitude	W longitude
GSC1	41°30.3′ N	69°31.0′ W
MBTG2	41°21.0′ N	69°27.2′ W
MBTG3	41°21.0′ N	69°43.0′ W
MBTG4	41°30.0′ N	69°43.0′ W
GSC1	41°30.3′ N	69°31.0′ W

(i) *Transiting.* Unless otherwise restricted, a vessel may transit the habitat management areas described in this section provided that its gear is stowed and not available for immediate use as defined in § 648.2.

(j) *Other habitat protection measures.* The Inshore Gulf of Maine/Georges Bank Restricted Roller Gear Area described in § 648.80(a)(3)(vii) is considered a habitat protection measure and the restrictions outlined in that section apply to all bottom trawl gear.

(k) *Review of habitat management measures.* The New England Fishery Management Council will develop a strategic process to evaluate the boundaries, scope, characteristics, and timing of habitat and spawning protection areas to facilitate review of these areas at 10-year intervals.

§ 648.371 Dedicated Habitat Research Areas.

(a) *Dedicated Habitat Research Area (DHRA) topics.* The areas defined in this section are intended to facilitate coordinated research on gear impacts, habitat recovery, natural disturbance, and productivity.

(b) *Stellwagen Dedicated Habitat Research Area.* (1) The Stellwagen DHRA is defined by the straight lines connecting the following points in the order stated:

STELLWAGEN DHRA

Point	N latitude	W longitude
SDHRA1 ...	42°15.0′ N	70°00.0′ W
SDHRA2 ...	42°15.0′ N	70°15.0′ W
SDHRA3 ...	42°45.2′ N	70°15.0′ W
SDHRA4 ...	42°46.0′ N	70°13.0′ W
SDHRA5 ...	42°46.0′ N	70°00.0′ W
SDHRA1 ...	42°15.0′ N	70°00.0′ W

(2) Vessels fishing with bottom-tending mobile gear, sink gillnet gear, or demersal longline gear are prohibited from fishing in the Stellwagen DHRA, unless otherwise exempted.

(c) *Georges Bank Dedicated Habitat Research Area.* (1) The Georges Bank DHRA is defined by straight lines connecting the following points in the order stated:

GEORGES BANK DHRA

Point	Latitude	Longitude
GBDHRA1	40°54.95′ N	68°53.37′ W
GBDHRA2	40°58′ N	68°30′ W
GBDHRA3	40°45′ N	68°30′ W

GEORGES BANK DHRA—Continued

Point	Latitude	Longitude
GBDHRA4	40°45′ N	68°45′ W

(2) Vessels fishing with bottom-tending mobile gear are prohibited from fishing in the Georges Bank DHRA, unless otherwise exempted.

(d) *Transiting.* Unless otherwise restricted or specified in this paragraph (d), a vessel may transit the Dedicated Habitat Research Areas of this section provided that its gear is stowed and not available for immediate use as defined in § 648.2.

(e) *Dedicated Habitat Research Areas review.* (1) The Regional Administrator shall initiate a review of the DHRAs defined in this section three years after implementation.

(2) After initiation of the review and consultation with the New England Fishery Management Council, the Regional Administrator may remove a DHRA. The following criteria will be used to determine if DHRA should be maintained:

(i) Documentation of active and ongoing research in the DHRA area, in the form of data records, cruise reports or inventory samples with analytical objectives focused on the DHRA topics, described in paragraph (a) of this section; and

(ii) Documentation of pending or approved proposals or funding requests (including ship time requests), with objectives specific to the DHRA topics, described in paragraph (a) of this section.

(3) The Regional Administrator will make any such determination in accordance with the APA through notification in the **Federal Register**.

§ 648.372 Frank R. Lautenberg Deep-Sea Coral Protection Area.

(a) *Restrictions.* No vessel may fish with bottom-tending gear within the Frank R. Lautenberg Deep-Sea Coral Protection Area described in this section, unless transiting pursuant to paragraph (d) of this section, fishing lobster trap gear in accordance with § 697.21 of this chapter, or fishing red crab trap gear in accordance with § 648.264. Bottom-tending gear includes but is not limited to bottom-tending otter trawls, bottom-tending beam trawls, hydraulic dredges, non-hydraulic dredges, bottom-tending seines, bottom longlines, pots and traps, and sink or anchored gillnets. The Frank R. Lautenberg Deep-Sea Coral Protection Area consists of the Broad and Discrete Deep-Sea Coral Zones defined in paragraphs (b) and (c) of this section.

(b) *Broad Deep-Sea Coral Zone.* The Broad Deep-Sea Coral Zone is bounded on the east by the outer limit of the U.S. Exclusive Economic Zone, and bounded on all other sides by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request). An asterisk (*) in the Discrete Zone column means the point is shared with a Discrete Deep-Sea Coral Zone, as defined in paragraph (c) of this section.

BROAD ZONE

Point	Latitude	Longitude	Discrete zone
1	36°33.02′ N	71°29.33′ W	
2	36°33.02′ N	72°00′ W	
3	36°33.02′ N	73°00′ W	
4	36°33.02′ N	74°00′ W	
5	36°33.02′ N	74°42.14′ W	
6	36°34.44′ N	74°42.23′ W	
7	36°35.53′ N	74°41.59′ W	
8	36°37.69′ N	74°41.51′ W	
9	36°42.09′ N	74°39.07′ W	
10	36°45.18′ N	74°38′ W	
11	36°45.69′ N	74°38.55′ W	
12	36°49.17′ N	74°38.31′ W	
13	36°49.56′ N	74°37.77′ W	
14	36°51.21′ N	74°37.81′ W	
15	36°51.78′ N	74°37.43′ W	
16	36°58.51′ N	74°36.51′ W	(*)
17	36°58.62′ N	74°36.97′ W	(*)
18	37°4.43′ N	74°41.03′ W	(*)
19	37°5.83′ N	74°45.57′ W	(*)
20	37°6.97′ N	74°40.8′ W	(*)
21	37°4.52′ N	74°37.77′ W	(*)
22	37°4.02′ N	74°33.83′ W	(*)
23	37°4.52′ N	74°33.51′ W	(*)
24	37°4.4′ N	74°33.11′ W	(*)
25	37°7.38′ N	74°31.95′ W	
26	37°8.32′ N	74°32.4′ W	
27	37°8.51′ N	74°31.38′ W	
28	37°9.44′ N	74°31.5′ W	
29	37°16.83′ N	74°28.58′ W	
30	37°17.81′ N	74°27.67′ W	
31	37°18.72′ N	74°28.22′ W	
32	37°22.74′ N	74°26.24′ W	(*)
33	37°22.87′ N	74°26.16′ W	(*)
34	37°24.44′ N	74°28.57′ W	(*)
35	37°24.67′ N	74°29.71′ W	(*)
36	37°25.93′ N	74°30.13′ W	(*)
37	37°27.25′ N	74°30.2′ W	(*)
38	37°28.6′ N	74°30.6′ W	(*)
39	37°29.43′ N	74°30.29′ W	(*)
40	37°29.53′ N	74°29.95′ W	(*)
41	37°27.68′ N	74°28.82′ W	(*)

BROAD ZONE—Continued

Point	Latitude	Longitude	Discrete zone
42	37°27.06′ N	74°28.76′ W	(*)
43	37°26.39′ N	74°27.76′ W	(*)
44	37°26.3′ N	74°26.87′ W	(*)
45	37°25.69′ N	74°25.63′ W	(*)
46	37°25.83′ N	74°24.22′ W	(*)
47	37°25.68′ N	74°24.03′ W	(*)
48	37°28.04′ N	74°23.17′ W	
49	37°27.72′ N	74°22.34′ W	
50	37°30.13′ N	74°17.77′ W	
51	37°33.83′ N	74°17.47′ W	
52	37°35.48′ N	74°14.84′ W	
53	37°36.99′ N	74°14.01′ W	
54	37°37.23′ N	74°13.02′ W	
55	37°42.85′ N	74°9.97′ W	
56	37°43.5′ N	74°8.79′ W	
57	37°45.22′ N	74°9.2′ W	
58	37°45.15′ N	74°7.24′ W	(*)
59	37°45.88′ N	74°7.44′ W	(*)
60	37°46.7′ N	74°5.98′ W	(*)
61	37°49.62′ N	74°6.03′ W	(*)
62	37°51.25′ N	74°5.48′ W	(*)
63	37°51.99′ N	74°4.51′ W	(*)
64	37°51.37′ N	74°3.3′ W	(*)
65	37°50.63′ N	74°2.69′ W	(*)
66	37°49.62′ N	74°2.28′ W	(*)
67	37°50.28′ N	74°0.67′ W	(*)
68	37°53.68′ N	73°57.41′ W	(*)
69	37°55.07′ N	73°57.27′ W	(*)
70	38°3.29′ N	73°49.1′ W	(*)
71	38°6.19′ N	73°51.59′ W	(*)
72	38°7.67′ N	73°52.19′ W	(*)
73	38°9.04′ N	73°52.39′ W	(*)
74	38°10.1′ N	73°52.32′ W	(*)
75	38°11.98′ N	73°52.65′ W	(*)
76	38°13.74′ N	73°50.73′ W	(*)
77	38°13.15′ N	73°49.77′ W	(*)
78	38°10.92′ N	73°50.37′ W	(*)
79	38°10.2′ N	73°49.63′ W	(*)
80	38°9.26′ N	73°49.68′ W	(*)
81	38°8.38′ N	73°49.51′ W	(*)
82	38°7.59′ N	73°47.91′ W	(*)
83	38°6.96′ N	73°47.25′ W	(*)
84	38°6.51′ N	73°46.99′ W	(*)
85	38°5.69′ N	73°45.56′ W	(*)
86	38°6.35′ N	73°44.8′ W	(*)
87	38°7.5′ N	73°45.2′ W	(*)
88	38°9.24′ N	73°42.61′ W	(*)
89	38°9.41′ N	73°41.63′ W	
90	38°15.13′ N	73°37.58′ W	
91	38°15.25′ N	73°36.2′ W	(*)
92	38°16.19′ N	73°36.91′ W	(*)
93	38°16.89′ N	73°36.66′ W	(*)
94	38°16.91′ N	73°36.35′ W	(*)
95	38°17.63′ N	73°35.35′ W	(*)
96	38°18.55′ N	73°34.44′ W	(*)
97	38°18.38′ N	73°33.4′ W	(*)
98	38°19.04′ N	73°33.02′ W	(*)
99	38°25.08′ N	73°34.99′ W	(*)
100	38°26.32′ N	73°33.44′ W	(*)
101	38°29.72′ N	73°30.65′ W	(*)
102	38°28.65′ N	73°29.37′ W	(*)
103	38°25.53′ N	73°30.94′ W	(*)
104	38°25.26′ N	73°29.97′ W	(*)
105	38°23.75′ N	73°30.16′ W	(*)
106	38°23.47′ N	73°29.7′ W	(*)
107	38°22.76′ N	73°29.34′ W	(*)
108	38°22.5′ N	73°27.63′ W	(*)
109	38°21.59′ N	73°26.87′ W	(*)
110	38°23.07′ N	73°24.11′ W	
111	38°25.83′ N	73°22.39′ W	
112	38°25.97′ N	73°21.43′ W	
113	38°34.14′ N	73°11.14′ W	(*)

BROAD ZONE—Continued

Point	Latitude	Longitude	Discrete zone
114	38°35.1′ N	73°10.43′ W	(*)
115	38°35.94′ N	73°11.25′ W	(*)
116	38°37.57′ N	73°10.49′ W	(*)
117	38°37.21′ N	73°9.41′ W	(*)
118	38°36.72′ N	73°8.85′ W	(*)
119	38°43′ N	73°1.24′ W	(*)
120	38°43.66′ N	73°0.36′ W	(*)
121	38°45′ N	73°0.27′ W	(*)
122	38°46.68′ N	73°1.07′ W	(*)
123	38°47.54′ N	73°2.24′ W	(*)
124	38°47.84′ N	73°2.24′ W	(*)
125	38°49.03′ N	73°1.53′ W	(*)
126	38°48.45′ N	73°1′ W	(*)
127	38°49.15′ N	72°58.98′ W	(*)
128	38°48.03′ N	72°56.7′ W	(*)
129	38°49.84′ N	72°55.54′ W	(*)
130	38°52.4′ N	72°52.5′ W	(*)
131	38°53.87′ N	72°53.36′ W	(*)
132	38°54.17′ N	72°52.58′ W	(*)
133	38°54.7′ N	72°50.26′ W	(*)
134	38°57.2′ N	72°47.74′ W	(*)
135	38°58.64′ N	72°48.35′ W	(*)
136	38°59.3′ N	72°47.86′ W	(*)
137	38°59.22′ N	72°46.69′ W	(*)
138	39°0.13′ N	72°45.47′ W	(*)
139	39°1.69′ N	72°45.74′ W	(*)
140	39°1.49′ N	72°43.67′ W	(*)
141	39°3.9′ N	72°40.83′ W	(*)
142	39°7.35′ N	72°41.26′ W	(*)
143	39°7.16′ N	72°37.21′ W	(*)
144	39°6.52′ N	72°35.78′ W	(*)
145	39°11.73′ N	72°25.4′ W	(*)
146	39°11.76′ N	72°22.33′ W	.....
147	39°19.08′ N	72°9.56′ W	(*)
148	39°25.17′ N	72°13.03′ W	(*)
149	39°28.8′ N	72°17.39′ W	(*)
150	39°30.16′ N	72°20.41′ W	(*)
151	39°31.38′ N	72°23.86′ W	(*)
152	39°32.55′ N	72°25.07′ W	(*)
153	39°34.57′ N	72°25.18′ W	(*)
154	39°34.53′ N	72°24.23′ W	(*)
155	39°33.17′ N	72°24.1′ W	(*)
156	39°32.07′ N	72°22.77′ W	(*)
157	39°32.17′ N	72°22.08′ W	(*)
158	39°30.3′ N	72°15.71′ W	(*)
159	39°29.49′ N	72°14.3′ W	(*)
160	39°29.44′ N	72°13.24′ W	(*)
161	39°27.63′ N	72°5.87′ W	(*)
162	39°28.26′ N	72°2.2′ W	(*)
163	39°29.88′ N	72°3.51′ W	(*)
164	39°30.57′ N	72°3.47′ W	(*)
165	39°31.28′ N	72°2.63′ W	(*)
166	39°31.46′ N	72°1.41′ W	(*)
167	39°37.15′ N	71°55.85′ W	(*)
168	39°39.77′ N	71°53.7′ W	(*)
169	39°41.5′ N	71°51.89′ W	.....
170	39°43.84′ N	71°44.85′ W	(*)
171	39°48.01′ N	71°45.19′ W	(*)
172	39°49.97′ N	71°39.29′ W	(*)
173	39°55.08′ N	71°18.62′ W	(*)
174	39°55.99′ N	71°16.07′ W	(*)
175	39°57.04′ N	70°50.01′ W	.....
176	39°55.07′ N	70°32.42′ W	.....
177	39°50.24′ N	70°27.78′ W	.....
178	39°42.18′ N	70°20.09′ W	.....
179	39°34.11′ N	70°12.42′ W	.....
180	39°26.04′ N	70°4.78′ W	.....
181	39°17.96′ N	69°57.18′ W	.....
182	39°9.87′ N	69°49.6′ W	.....
183	39°1.77′ N	69°42.05′ W	.....
184	38°53.66′ N	69°34.53′ W	.....
185	38°45.54′ N	69°27.03′ W	.....

BROAD ZONE—Continued

Point	Latitude	Longitude	Discrete zone
186	38°37.42′ N	69°19.57′ W	
187	38°29.29′ N	69°12.13′ W	
188	38°21.15′ N	69°4.73′ W	
189	38°13′ N	68°57.35′ W	
190	38°4.84′ N	68°49.99′ W	
191	38°2.21′ N	68°47.62′ W	

(c) *Discrete Deep-Sea Coral Zones*—(1) *Block Canyon.* Block Canyon discrete deep-sea coral zone is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request). An asterisk (*) in the Broad Zone column means the point is shared with the Broad Deep-Sea Coral Zone, as defined in paragraph (b) of this section.

BLOCK CANYON

Point	Latitude	Longitude	Broad zone
1	39°55.08′ N	71°18.62′ W	(*)
2	39°55.99′ N	71°16.07′ W	(*)
3	39°49.51′ N	71°12.12′ W	
4	39°38.09′ N	71°9.5′ W	
5	39°37.4′ N	71°11.87′ W	
6	39°47.26′ N	71°17.38′ W	
7	39°52.6′ N	71°17.51′ W	
1	39°55.08′ N	71°18.62′ W	(*)

(2) *Ryan and McMaster Canyons.* Ryan and McMaster Canyons discrete deep-sea coral zone is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request). An asterisk (*) in the Broad Zone column means the point is shared with the Broad Deep-sea Coral Zone, as defined in paragraph (b) of this section.

RYAN AND MCMASTER CANYONS

Point	Latitude	Longitude	Broad zone
1	39°43.84′ N	71°44.85′ W	(*)
2	39°48.01′ N	71°45.19′ W	(*)
3	39°49.97′ N	71°39.29′ W	(*)
4	39°48.29′ N	71°37.18′ W	
5	39°42.96′ N	71°35.01′ W	
6	39°33.43′ N	71°27.91′ W	
7	39°31.75′ N	71°30.77′ W	
8	39°34.46′ N	71°35.68′ W	
9	39°40.12′ N	71°42.36′ W	
1	39°43.84′ N	71°44.85′ W	(*)

(3) *Emery and Uchupi Canyons.* Emery and Uchupi Canyons discrete deep-sea coral zone is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request). An asterisk (*) in the Broad Zone column means the point is shared with the Broad Deep-sea Coral Zone, as defined in paragraph (b) of this section.

EMERY AND UCHUPI CANYONS

Point	Latitude	Longitude	Broad zone
1	39°37.15′ N	71°55.85′ W	(*)
2	39°39.77′ N	71°53.7′ W	(*)
3	39°39.55′ N	71°47.68′ W	
4	39°30.78′ N	71°36.24′ W	
5	39°27.26′ N	71°39.13′ W	
6	39°28.99′ N	71°45.47′ W	
7	39°33.91′ N	71°52.61′ W	
1	39°37.15′ N	71°55.85′ W	(*)

(4) *Jones and Babylon Canyons.* Jones and Babylon Canyons discrete deep-sea coral zone is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request). An asterisk (*) in the Broad Zone column means the point is shared with the Broad Deep-sea Coral Zone, as defined in paragraph (b) of this section.

JONES AND BABYLON CANYONS

Point	Latitude	Longitude	Broad zone
1	39°28.26′ N	72°2.2′ W	(*)
2	39°29.88′ N	72°3.51′ W	(*)
3	39°30.57′ N	72°3.47′ W	(*)
4	39°31.28′ N	72°2.63′ W	(*)
5	39°31.46′ N	72°1.41′ W	(*)
6	39°30.37′ N	71°57.72′ W	
7	39°30.63′ N	71°55.13′ W	
8	39°23.81′ N	71°48.15′ W	
9	39°23′ N	71°52.48′ W	
1	39°28.26′ N	72°2.2′ W	(*)

(5) *Hudson Canyon.* Hudson Canyon discrete deep-sea coral zone is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request). An asterisk (*) in the Broad Zone column means the point is shared with the Broad Deep-Sea Coral Zone, as defined in paragraph (b) of this section.

HUDSON CANYON

Point	Latitude	Longitude	Broad zone
1	39°19.08′ N	72°9.56′ W	(*)
2	39°25.17′ N	72°13.03′ W	(*)
3	39°28.8′ N	72°17.39′ W	(*)
4	39°30.16′ N	72°20.41′ W	(*)
5	39°31.38′ N	72°23.86′ W	(*)
6	39°32.55′ N	72°25.07′ W	(*)
7	39°34.57′ N	72°25.18′ W	(*)
8	39°34.53′ N	72°24.23′ W	(*)
9	39°33.17′ N	72°24.1′ W	(*)
10	39°32.07′ N	72°22.77′ W	(*)
11	39°32.17′ N	72°22.08′ W	(*)
12	39°30.3′ N	72°15.71′ W	(*)
13	39°29.49′ N	72°14.3′ W	(*)
14	39°29.44′ N	72°13.24′ W	(*)
15	39°27.63′ N	72°5.87′ W	(*)
16	39°13.93′ N	71°48.44′ W	
17	39°10.39′ N	71°52.98′ W	
18	39°14.27′ N	72°3.09′ W	
1	39°19.08′ N	72°9.56′ W	(*)

(6) *Mey-Lindenkohl Slope.* Mey-Lindenkohl Slope discrete deep-sea coral zone is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request). An asterisk (*) in the Broad Zone column means the point is shared with the Broad Deep-Sea Coral Zone, as defined in paragraph (b) of this section.

MEY-LINDENKOHL SLOPE

Point	Latitude	Longitude	Broad zone
1	38°43′ N	73°1.24′ W	(*)
2	38°43.66′ N	73°0.36′ W	(*)
3	38°45′ N	73°0.27′ W	(*)
4	38°46.68′ N	73°1.07′ W	(*)
5	38°47.54′ N	73°2.24′ W	(*)
6	38°47.84′ N	73°2.24′ W	(*)
7	38°49.03′ N	73°1.53′ W	(*)
8	38°48.45′ N	73°1′ W	(*)
9	38°49.15′ N	72°58.98′ W	(*)
10	38°48.03′ N	72°56.7′ W	(*)
11	38°49.84′ N	72°55.54′ W	(*)
12	38°52.4′ N	72°52.5′ W	(*)
13	38°53.87′ N	72°53.36′ W	(*)

MEY-LINDENKOHL SLOPE—Continued

Point	Latitude	Longitude	Broad zone
14	38°54.17′ N	72°52.58′ W	(*)
15	38°54.7′ N	72°50.26′ W	(*)
16	38°57.2′ N	72°47.74′ W	(*)
17	38°58.64′ N	72°48.35′ W	(*)
18	38°59.3′ N	72°47.86′ W	(*)
19	38°59.22′ N	72°46.69′ W	(*)
20	39°0.13′ N	72°45.47′ W	(*)
21	39°1.69′ N	72°45.74′ W	(*)
22	39°1.49′ N	72°43.67′ W	(*)
23	39°3.9′ N	72°40.83′ W	(*)
24	39°7.35′ N	72°41.26′ W	(*)
25	39°7.16′ N	72°37.21′ W	(*)
26	39°6.52′ N	72°35.78′ W	(*)
27	39°11.73′ N	72°25.4′ W	(*)
28	38°58.85′ N	72°11.78′ W	.....
29	38°32.39′ N	72°47.69′ W	.....
30	38°34.88′ N	72°53.78′ W	.....
1	38°43′ N	73°1.24′ W	(*)

(7) *Spencer Canyon.* Spencer Canyon discrete deep-sea coral zone is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request). An asterisk (*) in the Broad Zone column means the point is shared with the Broad Deep-Sea Coral Zone, as defined in paragraph (b) of this section.

SPENCER CANYON

Point	Latitude	Longitude	Broad zone
1	38°34.14′ N	73°11.14′ W	(*)
2	38°35.1′ N	73°10.43′ W	(*)
3	38°35.94′ N	73°11.25′ W	(*)
4	38°37.57′ N	73°10.49′ W	(*)
5	38°37.21′ N	73°9.41′ W	(*)
6	38°36.72′ N	73°8.85′ W	(*)
7	38°36.59′ N	73°8.25′ W	.....
8	38°28.94′ N	72°58.96′ W	.....
9	38°26.45′ N	73°3.24′ W	.....
1	38°34.14′ N	73°11.14′ W	(*)

(8) *Wilmington Canyon.* Wilmington Canyon discrete deep-sea coral zone is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request). An asterisk (*) in the Broad Zone column means the point is shared with the Broad Deep-sea Coral Zone, as defined in paragraph (b) of this section.

WILMINGTON CANYON

Point	Latitude	Longitude	Broad zone
1	38°19.04′ N	73°33.02′ W	(*)
2	38°25.08′ N	73°34.99′ W	(*)
3	38°26.32′ N	73°33.44′ W	(*)
4	38°29.72′ N	73°30.65′ W	(*)
5	38°28.65′ N	73°29.37′ W	(*)
6	38°25.53′ N	73°30.94′ W	(*)
7	38°25.26′ N	73°29.97′ W	(*)
8	38°23.75′ N	73°30.16′ W	(*)
9	38°23.47′ N	73°29.7′ W	(*)
10	38°22.76′ N	73°29.34′ W	(*)
11	38°22.5′ N	73°27.63′ W	(*)
12	38°21.59′ N	73°26.87′ W	(*)
13	38°18.52′ N	73°22.95′ W	.....
14	38°14.41′ N	73°16.64′ W	.....
15	38°13.23′ N	73°17.32′ W	.....
16	38°15.79′ N	73°26.38′ W	.....
1	38°19.04′ N	73°33.02′ W	(*)

(9) *North Heyes and South Wilmington Canyons.* North Heyes and South Wilmington Canyons discrete deep-sea coral zone is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request). An asterisk (*) in the Broad Zone column means the point is shared with the Broad Deep-Sea Coral Zone, as defined in paragraph (b) of this section.

NORTH HEYES AND SOUTH WILMINGTON CANYONS

Point	Latitude	Longitude	Broad zone
1	38°15.25′ N	73°36.2′ W	(*)
2	38°16.19′ N	73°36.91′ W	(*)
3	38°16.89′ N	73°36.66′ W	(*)
4	38°16.91′ N	73°36.35′ W	(*)
5	38°17.63′ N	73°35.35′ W	(*)
6	38°18.55′ N	73°34.44′ W	(*)
7	38°18.38′ N	73°33.4′ W	(*)
8	38°19.04′ N	73°33.02′ W	(*)
9	38°15.79′ N	73°26.38′ W	
10	38°14.98′ N	73°24.73′ W	
11	38°12.32′ N	73°21.22′ W	
12	38°11.06′ N	73°22.21′ W	
13	38°11.13′ N	73°28.72′ W	
1	38°15.25′ N	73°36.2′ W	(*)

(10) *South Vries Canyon.* South Vries Canyon discrete deep-sea coral zone is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request). An asterisk (*) in the Broad Zone column means the point is shared with the Broad Deep-Sea Coral Zone, as defined in paragraph (b) of this section.

SOUTH VRIES CANYON

Point	Latitude	Longitude	Broad zone
1	38°6.35′ N	73°44.8′ W	(*)
2	38°7.5′ N	73°45.2′ W	(*)
3	38°9.24′ N	73°42.61′ W	(*)
4	38°3.22′ N	73°29.22′ W	
5	38°2.38′ N	73°29.78′ W	
6	38°2.54′ N	73°36.73′ W	
1	38°6.35′ N	73°44.8′ W	(*)

(11) *Baltimore Canyon.* Baltimore Canyon discrete deep-sea coral zone is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request). An asterisk (*) in the Broad Zone column means the point is shared with the Broad Deep-Sea Coral Zone, as defined in paragraph (b) of this section.

BALTIMORE CANYON

Point	Latitude	Longitude	Broad zone
1	38°3.29′ N	73°49.1′ W	(*)
2	38°6.19′ N	73°51.59′ W	(*)
3	38°7.67′ N	73°52.19′ W	(*)
4	38°9.04′ N	73°52.39′ W	(*)
5	38°10.1′ N	73°52.32′ W	(*)
6	38°11.98′ N	73°52.65′ W	(*)
7	38°13.74′ N	73°50.73′ W	(*)
8	38°13.15′ N	73°49.77′ W	(*)
9	38°10.92′ N	73°50.37′ W	(*)
10	38°10.2′ N	73°49.63′ W	(*)
11	38°9.26′ N	73°49.68′ W	(*)
12	38°8.38′ N	73°49.51′ W	(*)
13	38°7.59′ N	73°47.91′ W	(*)
14	38°6.96′ N	73°47.25′ W	(*)
15	38°6.51′ N	73°46.99′ W	(*)
16	38°5.69′ N	73°45.56′ W	(*)
17	38°6.35′ N	73°44.8′ W	(*)
18	38°2.54′ N	73°36.73′ W	
19	37°59.19′ N	73°40.67′ W	
1	38°3.29′ N	73°49.1′ W	(*)

(12) *Warr and Phoenix Canyon Complex.* Warr and Phoenix Canyon Complex discrete deep-sea coral zone is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request). An asterisk (*) in the Broad Zone column means the point is shared with the Broad Deep-Sea Coral Zone, as defined in paragraph (b) of this section.

WARR AND PHOENIX CANYON COMPLEX

Point	Latitude	Longitude	Broad zone
1	37°53.68′ N	73°57.41′ W	(*)
2	37°55.07′ N	73°57.27′ W	(*)
3	38°3.29′ N	73°49.1′ W	(*)
4	37°59.19′ N	73°40.67′ W	
5	37°52.5′ N	73°35.28′ W	
6	37°50.92′ N	73°36.59′ W	
7	37°49.84′ N	73°47.11′ W	
1	37°53.68′ N	73°57.41′ W	(*)

(13) *Accomac and Leonard Canyons.* Accomac and Leonard Canyons discrete deep-sea coral zone is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request). An asterisk (*) in the Broad Zone column means the point is shared with the Broad Deep-Sea Coral Zone, as defined in paragraph (b) of this section.

ACCOMAC AND LEONARD CANYONS

Point	Latitude	Longitude	Broad zone
1	37°45.15′ N	74°7.24′ W	(*)
2	37°45.88′ N	74°7.44′ W	(*)
3	37°46.7′ N	74°5.98′ W	(*)
4	37°49.62′ N	74°6.03′ W	(*)
5	37°51.25′ N	74°5.48′ W	(*)
6	37°51.99′ N	74°4.51′ W	(*)
7	37°51.37′ N	74°3.3′ W	(*)
8	37°50.63′ N	74°2.69′ W	(*)
9	37°49.62′ N	74°2.28′ W	(*)
10	37°50.28′ N	74°0.67′ W	(*)
11	37°50.2′ N	74°0.17′ W	
12	37°50.52′ N	73°58.59′ W	
13	37°50.99′ N	73°57.17′ W	
14	37°50.4′ N	73°52.35′ W	
15	37°42.76′ N	73°44.86′ W	
16	37°39.96′ N	73°48.32′ W	
17	37°40.04′ N	73°58.25′ W	
18	37°44.14′ N	74°6.96′ W	
1	37°45.15′ N	74°7.24′ W	(*)

(14) *Washington Canyon.* Washington Canyon discrete deep-sea coral zone is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request). An asterisk (*) in the Broad Zone column means the point is shared with the Broad Deep-Sea Coral Zone, as defined in paragraph (b) of this section.

WASHINGTON CANYON

Point	Latitude	Longitude	Broad zone
1	37°22.74′ N	74°26.24′ W	(*)
2	37°22.87′ N	74°26.16′ W	(*)
3	37°24.44′ N	74°28.57′ W	(*)
4	37°24.67′ N	74°29.71′ W	(*)
5	37°25.93′ N	74°30.13′ W	(*)
6	37°27.25′ N	74°30.2′ W	(*)
7	37°28.6′ N	74°30.6′ W	(*)
8	37°29.43′ N	74°30.29′ W	(*)
9	37°29.53′ N	74°29.95′ W	(*)
10	37°27.68′ N	74°28.82′ W	(*)
11	37°27.06′ N	74°28.76′ W	(*)
12	37°26.39′ N	74°27.76′ W	(*)
13	37°26.3′ N	74°26.87′ W	(*)
14	37°25.69′ N	74°25.63′ W	(*)
15	37°25.83′ N	74°24.22′ W	(*)

WASHINGTON CANYON—Continued

Point	Latitude	Longitude	Broad zone
16	37°25.68′ N	74°24.03′ W	(*)
17	37°25.08′ N	74°23.29′ W	
18	37°16.81′ N	73°52.13′ W	
19	37°11.27′ N	73°54.05′ W	
20	37°15.73′ N	74°12.2′ W	
1	37°22.74′ N	74°26.24′ W	(*)

(15) *Norfolk Canyon.* Norfolk Canyon discrete deep-sea coral zone is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request). An asterisk (*) in the Broad Zone column means the point is shared with the Broad Deep-Sea Coral Zone, as defined in paragraph (b) of this section.

NORFOLK CANYON

Point	Latitude	Longitude	Broad zone
1	36°58.51′ N	74°36.51′ W	(*)
2	36°58.62′ N	74°36.97′ W	(*)
3	37°4.43′ N	74°41.03′ W	(*)
4	37°5.83′ N	74°45.57′ W	(*)
5	37°6.97′ N	74°40.8′ W	(*)
6	37°4.52′ N	74°37.77′ W	(*)
7	37°4.02′ N	74°33.83′ W	(*)
8	37°4.52′ N	74°33.51′ W	(*)
9	37°4.40′ N	74°33.11′ W	(*)
10	37°4.16′ N	74°32.37′ W	
11	37°4.40′ N	74°30.58′ W	
12	37°3.65′ N	74°3.66′ W	
13	36°57.75′ N	74°3.61′ W	
14	36°59.77′ N	74°30′ W	
15	36°58.23′ N	74°32.95′ W	
16	36°57.99′ N	74°34.18′ W	
1	36°58.51′ N	74°36.51′ W	(*)

(d) *Transiting.* Vessels may transit the Broad and Discrete Deep-Sea Coral Zones defined in paragraphs (b) and (c) of this section, provided bottom-tending trawl nets are out of the water and stowed on the reel and any other fishing gear that is prohibited in these areas is onboard, out of the water, and not deployed. Fishing gear is not required to meet the definition of ''not available for immediate use'' in § 648.2, when a vessel transits the Broad and Discrete Deep-Sea Coral Zones.

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FEDERAL REGISTER

Vol. 83 Monday,

No. 68 April 9, 2018

Part III

The President

Memorandum of April 4, 2018—Delegation of Authorities Under Section 3136 of the National Defense Authorization Act for Fiscal Year 2018

Federal Register
Vol. 83, No. 68
Monday, April 9, 2018

Presidential Documents

Title 3—

The President

Memorandum of April 4, 2018

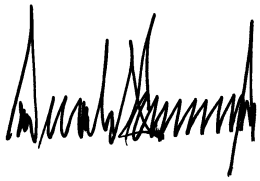
Delegation of Authorities Under Section 3136 of the National Defense Authorization Act for Fiscal Year 2018

Memorandum for the Secretary of State[,] the Secretary of Defense[,] the Secretary of Energy[,] the Secretary of Homeland Security[, and] the Director of National Intelligence

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of Energy, in coordination with the Secretary of State, Secretary of Defense, Secretary of Homeland Security, and the Director of National Intelligence, the functions and authorities vested in the President by section 3136 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91).

The delegations in this memorandum shall apply to any provisions of any future public law that are the same or substantially the same as the provision referenced in this memorandum.

The Secretary of Energy is authorized and directed to publish this memorandum in the *Federal Register*



THE WHITE HOUSE,
Washington, April 4, 2018

[FR Doc. 2018–07418
4–6–18; 11:15 am]
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H.R. 4851/P.L. 115–163
Kennedy-King National Commemorative Site Act (Apr. 4, 2018; 132 Stat. 1251)
Last List April 5, 2018

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