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Presidential Documents

Title 3—

The President

Proclamation 9726 of April 16, 2018

National Volunteer Week, 2018

By the President of the United States of America

A Proclamation

During National Volunteer Week, we recognize the millions of Americans who strengthen, enrich, and improve our communities through their tireless and selfless commitment to serving others. Those who dedicate their time, talent, and resources to positively influence the lives of others continue a legacy and tradition of service that began with our Founding Fathers and remains firmly enshrined in our national character today.

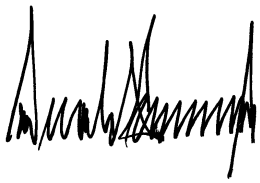
Volunteers leave their mark on every facet of our neighborhoods and communities. Their work educates, equips, and empowers others. Some who volunteer as first responders risk rushing toward danger in order to help people during their times of greatest need. Others help children learn to read, tutor struggling students, provide services to the impoverished or elderly, and support our veterans and military families. Acting individually and through faith-based and other community organizations, volunteers help to bind us together as a Nation.

America's volunteers are exceptional citizens and tremendous role models who demonstrate some of the finest qualities of the American people. Time and again we have seen America's compassionate, serving heart through the volunteer efforts of our people. Last year, for example, we saw the dedication and generosity of volunteers during Hurricanes Harvey, Irma, and Maria, which harmed and displaced thousands of Americans. In the wake of such destruction and tragedy, heartening stories of unity, selflessness, and hope emerged. Americans from all walks of life put their lives on hold, and often on the line, to help people they had never met. They answered an urgent call and took action. These commendable individuals embody the very best of our country and our way of life. They remind us that even in our darkest days, goodness will prevail.

During National Volunteer Week, we honor America's outstanding volunteers and their invaluable contributions to our Nation and the world. Because of their compassion and dedication, they are transforming communities and lives all across the country. I salute the men and women of all ages who mobilize each day to serve others, and I encourage all citizens to seek out opportunities to engage in volunteer service within their communities.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 15 through April 21, 2018, as National Volunteer Week. I call upon all Americans to observe this week by volunteering in service projects across our country and pledging to make service a part of their daily lives.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of April, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



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

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

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

20 CFR Part 702

RIN 1240–AA06

Longshore and Harbor Workers' Compensation Act: Maximum and Minimum Compensation Rates

AGENCY: Office of Workers' Compensation Programs, Labor.

ACTION: Final rule.

SUMMARY: This final rule contains regulations implementing the Longshore and Harbor Workers' Compensation Act's provisions on maximum and minimum amounts of compensation payable. These regulations clarify how the Department interprets and applies these provisions in accordance with several court decisions to ensure injured workers are compensated properly and insurers and employers are aware of their responsibilities. In addition, the rule implements the Act's annual compensation-adjustment mechanism for permanent total disability compensation and death benefits.

DATES: This rule is effective May 21, 2018.

FOR FURTHER INFORMATION CONTACT: Douglas Fitzgerald, Director, Division of Longshore and Harbor Workers' Compensation, Office of Workers' Compensation Programs, 202–354–9620 (this is not a toll-free number), *Fitzgerald.Douglas@dol.gov*. TTY/TDD callers may dial toll free 1–877–889–5627 for further information.

SUPPLEMENTARY INFORMATION:

I. Background of This Rulemaking

On August 26, 2016, the Department issued a Notice of Proposed Rulemaking (NPRM) under the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 901 *et seq.* (LHWCA or Act), proposing rules implementing the LHWCA's provisions on maximum and minimum amounts of compensation payable. 81 FR 58878–90 (Aug. 26, 2016). The comment period closed on October 25, 2016.

As explained in the NPRM, 81 FR 58878–79, the LHWCA establishes a federal workers' compensation system for an employee's disability or death arising in the course of covered maritime employment. 33 U.S.C. 903(a), 908, 909. LHWCA compensation is generally based on the employee's average weekly wages at the time of his or her disabling injury or death. 33 U.S.C. 910. Section 6 of the Act caps compensation at a maximum of twice the applicable fiscal year's national average weekly wage (NAWW). 33 U.S.C. 906(b)(1). Section 6 also establishes a minimum below which compensation may not fall. The minimum rate is the lower of fifty percent of the NAWW or the employee's actual average weekly wages. 33 U.S.C. 906(b)(2). The Secretary of Labor determines the NAWW for each fiscal year, and that determination applies to employees or survivors ''currently receiving'' compensation for permanent total disability or death, as well as those ''newly awarded'' compensation of any type, including for partial and temporary disability. 33 U.S.C. 906(b)(3), (c).

In addition to the provisions in section 6 that allow for adjustments to the maximum and minimum compensation rates based on the NAWW, section 10(f) of the Act provides another mechanism for adjusting compensation amounts so that their value is not eroded over time. Benefits payable for permanent total disability or death are increased at the beginning of each fiscal year by the same percentage as any increase in the NAWW, but no more than five percent per year. 33 U.S.C. 910(f). Section 10(f) applies to all claimants receiving compensation for permanent total disability or death, while section 6 applies only to those whose compensation is affected by the maximum or minimum rates.

The Department proposed rules to implement the minimum and maximum compensation rate provisions of section 6(c), specifically clarifying which maximum compensation rates apply to any particular injury under the section's ''newly awarded'' and ''currently receiving'' clauses, and relatedly, how the Act's minimum compensation provisions apply. Additionally, the proposed rules implement section 10(f)'s annual adjustment provision generally and address how section 10(f) integrates with section 6's maximum and minimum compensation rates.

As the NPRM discussed, these rules are primarily based on the Supreme Court's controlling decision in *Roberts* v. *Sea-Land Services, Inc.,* 566 U.S. 93 (2012), the Ninth and Eleventh Circuits' decisions in *Roberts* v. *Dir., OWCP,* 625 F.3d 1204 (9th Cir. 2010), and *Boroski* v. *Dyncorp Intern.,* 700 F.3d 446 (11th Cir. 2012), and the Benefits Review Board's decisions in *Reposky* v. *Int'l Transp. Servs.,* 40 BRBS 65 (2006), and *Lake* v. *L–3 Communications,* 47 BRBS 45 (2013). Aside from one small exception, those decisions and this rule comport with the Director's longstanding interpretation and application of the maximum and minimum compensation provisions. 81 FR 58887. Additionally, the Department has been following the Ninth Circuit's construction of the statute since 2012 and the regulations reflect this construction as well.

The Department received only six written comments in response to the NPRM from a variety of entities in the longshore industry. The commenters included longshore employer associations, insurance-industry members, and longshore claims administrators associations. These comments are addressed in Section III below.

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

II. Statutory Authority

Section 39(a) of the LHWCA, 33 U.S.C. 939(a), authorizes the Secretary of Labor to prescribe rules and regulations necessary for the administration of the Act.

III. Response to Significant Comments and Explanation of Changes

Most commenters provided general remarks about the rulemaking rather than comments on specific proposed regulations. Thus, rather than including a full section-by-section analysis in the discussion below, the Department's response is organized by the broader issues raised. The Department

appreciates these comments and has made one change to the final rule in response.

A. Application of ''Newly Awarded Compensation'' Clause

Several commenters stated that the proposed rules addressing the application of section 6(c)'s ''newly awarded'' clause were unnecessary because the Supreme Court had already clearly addressed how to apply the clause in *Roberts,* 132 U.S. 1350. The fact that the Supreme Court has addressed the issue does not make this part of the rule unnecessary. The rule seeks to ensure a consistent application of section 6(c) in its entirety by addressing the proper application of both the ''newly awarded'' and ''currently receiving'' clauses. Codifying the Supreme Court's ruling in a regulation clarifies and informs all stakeholders of the proper interpretation of the provision. The rule also provides additional guidance with concrete examples of how the *Roberts* decision applies in a variety of factual situations. Accordingly, the Department believes the regulations implementing the ''newly awarded'' clause are important and has retained them in the final rule.

B. Application of ''Currently Receiving'' Clause

Several commenters objected generally to the proposed rules clarifying the application of the ''currently receiving'' clause of section 6(c). These commenters argued that the rule is premature because the Supreme Court declined to address the application of that clause in *Roberts,* 564 U.S. 1066, and to date, only two Courts of Appeals have addressed it. *See Boroski,* 700 F.3d 446, *Roberts,* 625 F.3d 1204. Some of these commenters expressed concerns that the rule would preempt further development through the courts on matters that were not considered at any stage of the *Roberts* litigation, namely, the computation of the minimum compensation rate under section 6(b), computation of weekly compensation payable for death under section 9(e), or the computation of a claimant's average weekly wage under section 10. On the other hand, one commenter commended the Department for using the rulemaking process to resolve legal issues arising from judicial statutory interpretations.

The Department is not required to wait for an issue to be adjudicated by the Supreme Court or any other court before it can promulgate regulations to administer the LHWCA. Indeed, litigation often demonstrates the need for an agency regulation. *See generally Smiley* v. *Citibank (South Dakota), N.A.,* 517 U.S. 735, 740–41 (1996) (fact that agency regulation was prompted by litigation does not undermine deference agency is due; ''That it was litigation which disclosed the need for the regulation is irrelevant.'') Here, the litigation in *Roberts, Boroski, Reposky, Lake* and other cases highlighted the need for regulations in this area. And this rule falls well within the scope of the Secretary of Labor's authority to prescribe rules and regulations necessary for the administration of the LHWCA. 33 U.S.C. 939(a).

Furthermore, as explained in the NPRM, the rule does not mark a change in the Director's longstanding interpretation and application of the maximum and minimum compensation provisions. 81 FR 58887. The Department has been following the Ninth Circuit's construction of the statute in its entirety since 2012, and aside from one small exception, had been following this construction since the Board's 2006 decision in *Reposky,* 40 BRBS 65. That exception involved cases in which the employee's disability was initially something other than permanent total—temporary total, permanent partial, or temporary partial—and in a later fiscal year became permanently totally disabling. In *Reposky,* the Department took the view that the employee's compensation amount should remain at the maximum rate in effect on the date of disability until the next October 1, at which time the employee would become subject to the new fiscal year's maximum rate. But the Ninth Circuit held in *Roberts* that the employee need not wait until the next October 1 and is instead immediately subject to the maximum rate in effect on the day he or she becomes permanently totally disabled under section 6(c)'s ''currently receiving'' clause. *Roberts,* 625 F.3d at 1208–09. The rule reflects this construction and clarifies the Department's longstanding interpretation of the other aspects of section 6(c).

One commenter contended that the rule is inconsistent with the Benefit Review Board's approach in *Pittman* v. *New Century Fabricators, Inc.,* 50 BRBS 17 (2016). In *Pittman,* the Board declined to extend the Supreme Court's reasoning in *Estate of Cowart* v. *Nicklos Drilling Co.,* 505 U.S. 469 (1992), to an issue not directly addressed by the Court. The Board held that ''absent a Supreme Court or circuit court decision to the contrary,'' prior Board decisions on the specific issue in the case established the precedent that bound the Board. 50 BRBS at 20. The comment argues that because the Supreme Court declined to address the application of the ''currently receiving'' clause in *Roberts,* the Board's approach in *Pittman* would dictate that the Department should not address the application of the clause. This ignores two facts. First, *Pittman* says nothing about the Department's authority to issue a rule. Second, while the Supreme Court did not interpret the ''currently receiving'' clause, the Ninth and Eleventh Circuits did, and this rule is consistent with both those rulings. *See Boroski,* 700 F.3d 446; *Roberts,* 625 F.3d 1204.

The rule is also consistent with the Board's decision in *Lake,* 47 BRBS 45, which adopted the same interpretation of section 6(c)'s ''currently receiving'' clause as the Ninth and Eleventh Circuits. In *Lake,* the Board held that a claimant is ''currently receiving compensation'' under section 6(c) ''during a period in which he is entitled to receive compensation, regardless of whether his employer actually pays it.'' *Id.* at 48. The Board also held that when a claimant's temporary total disability changes to permanent total disability during a fiscal year, the maximum rate in effect during that year applies immediately. *Id.* Thus, the rule's implementation of the section 6(c) ''currently receiving'' clause is consistent with the precedent from the Board and all courts of appeals that have ruled on the issue.

Two commenters stated that Congress did not intend the ''currently receiving'' clause to have any effect beyond the four-fiscal-year period after the 1972 amendments to the LHWCA, which annually increased the maximum compensation rate until it reached 200 percent of the national average weekly wage in 1975. They contended that Congress intended section 6(c) to apply only to claimants who were ''currently receiving compensation for permanent total disability or death'' during the four-year phase-in period.

Later statutory enactments, however, demonstrate that Congress intended to apply the ''currently receiving'' clause beyond the phase-in period. In 1984, Congress amended section 6 again to remove the phase-in provisions yet retained the ''currently receiving'' clause and reenacted it as section 6(c). If Congress had intended the outcome urged by the commenters—to have section 6(c)'s ''currently receiving clause'' apply only to the phase-in years—it could have drafted section 6(c) to say exactly that. Instead, Congress removed the phase-in provisions, making reference to them impossible. It nonetheless retained section 6(c) and

changed the text of the provision to make clear that all claimants ''currently receiving compensation for permanent total disability or death'' are subject to the maximum rate based on the national average weekly wage as set under section 6(b)(3). Congress knew that, under section 6(b)(3), the national average weekly wage is determined anew every year, and thus must be deemed to have understood that the maximum rate applicable to those currently receiving compensation for permanent total disability or death would also change annually. *See generally Pucetti* v. *Ceres Gulf,* 24 BRBS 25, 31 (1990) (considering phase-in provisions in context of 1984 amendments and holding that ''during a yearly period when a given national average weekly wage is in effect, those 'currently receiving' benefits for permanent total disability or death are entitled to that year's new maximum.''); *see Dir., OWCP* v. *Perini North River Assoc.,* 459 U.S. 297 (1983) (where Congress amended the Act to extend coverage to land-based workers if they met a status test for maritime employees, it was presumed to know that the law already covered those injured on navigable waters, and its amendment of the Act was not intended to require those ''traditionally covered'' employees to also prove status).

Several commenters stated that section 6 does not allow for the maximum compensation rate applicable to a claimant to change each year, *i.e.,* that even a permanently totally disabled claimant is forever subject to the maximum rate in effect at the time of his injury. First, this is contrary to the text of the provision. Section 6 sets the maximum rate at 200 percent of the national average weekly wage, 33 U.S.C. 906(b)(1), requires a new national average weekly wage to be determined each October 1, 33 U.S.C. 906(b)(3), and provides that a given year's determination ''shall apply to employees . . . currently receiving compensation for permanent total disability'' during that year. As a claimant can be ''currently receiving compensation for permanent total disability'' in more than one year, it is apparent that he can be subject to a different national average weekly wage—and, thus, a different maximum rate as determined by that national average weekly wage—for each year in which he is being compensated for permanent total disability. Second, the commenter's approach is contrary to the legislative history of the 1972 Amendments. *See* H.R. Report 92–1441 at 3; S. Report 92–1125 at 5–6. Third, the Board rejected this very argument in *Marko* v. *Morris Boney, Inc.,* 23 BRBS 353 (1990), a decision the Board reaffirmed in *Lake,* 47 BRBS at 48–50. Finally, this approach would treat those receiving compensation for permanent total disability or death the same as those receiving compensation for any other type of disability, while the statute clearly treats permanent total disability and death differently.

C. Impact on Average Weekly Wage Calculations

A few commenters expressed concern that the rule could adversely affect how an individual's average weekly wage is calculated under section 10, 33 U.S.C. 910. The Department does not intend this rule to govern the basic average weekly wage calculation necessary to determine the amount of compensation payable. As explained in the NPRM, ''[t]he proposed regulations do not govern general compensation calculations.'' 81 FR 58881. Instead, the maximum and minimum regulations apply only once that calculation (called the ''calculated compensation rate'' in the rule) is made.

D. Application of the Rule to Existing Injuries, Disabilities, and Deaths

Two commenters stated that the Department should limit the proposed rule's applicability to future injuries. They contended applying the new rules to currently existing matters could lead to large additional liabilities (which are not fully secured) if claimants with pending cases seek increased compensation under the new standards.

In general, an agency may apply a new regulation to existing matters when it does not change the legal landscape. Thus, a rule that ''is substantively consistent with prior regulations or prior agency practices, and has been accepted by all Courts of Appeals to consider the issue,'' may be applied to matters pending at the time the regulation is promulgated. *Nat'l Mining Assoc.* v. *Dept. of Labor,* 292 F.3d 849, 860 (D.C. Cir. 2002). Conversely, agencies are not required ''to apply rules retroactively even where it would be permissible for them to do so.'' *Grant Medical Center* v. *Hargan,* 875 F.3d 701, 706 (D.C. Cir. 2017).

Under these principles, the Department believes it could choose to apply the rule to all matters, including those injuries, disabilities, and deaths occurring before the rule's effective date. The Department's interpretation of the ''newly awarded'' and ''currently receiving'' clauses is longstanding (since at least 1979 for the former and 2012 for the latter) and fully consistent with all Court of Appeals and Supreme Court precedent. *See Nat'l Mining Assoc.,* 292 F.3d at 860. The rules implementing the minimum compensation provisions and section 10(f) similarly ensconce the Department's longstanding positions and are not inconsistent with any Court of Appeals precedent.

But given the commenters' expressed concern, the Department has decided to apply the rule only to injuries and deaths occurring after the rule's effective date and has added a clause to § 702.802(a) to make this clear. Because the current case law interpreting these provisions and the rule reach the same conclusions, the Department sees little difference in applying the rule retroactively and applying it only prospectively. The Department makes this change, however, to emphasize its intent not to upset any settled expectations the regulated parties may hold.

Despite the Department's decision on this issue, parties should be aware that existing case law construing section 6(c) still governs injuries, disabilities and deaths occurring before the rule's effective date. The Department will continue to administer claims in accordance with those precedents. *Rivers* v. *Roadway Exp., Inc.,* 511 U.S. 298, 312–313 and n.12 (''A judicial construction of a statute is an authoritative statement of what the statute meant before as well as after the decision of the case giving rise to that construction,'' and thus ''of what the statute has meant continuously since the date when it became law.'').

Finally, the examples in the regulations continue to use maximum and minimum compensation rates for injuries or deaths that occurred in fiscal years prior to the effective date of this rule. This is done out of necessity; the Department cannot calculate with any certainty future maximum and minimum compensation amounts because they are based on the NAWW, which is determined anew each year. The Department believes using concrete numbers from past fiscal years will better inform the regulated parties about how the regulations should be applied. Of course, because the examples apply the current state of the law, they may be instructive in calculating compensation for disabilities and deaths occurring before the rule's effective date even though not explicitly governed by the rule.

IV. Collection of Information (Subject to the Paperwork Reduction Act)

This rulemaking imposes no new collections of information.

V. Executive Orders 12866 and 13563 (Regulatory Planning and Review)

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Department has considered this rule with these principles in mind and has concluded that the regulated community will benefit from this regulation.

This rule will provide the parties with greater guidance on applying the Act's maximum and minimum compensation provisions and section 10(f) adjustments in determining the amount of disability compensation or death benefits payable. By clarifying how these provisions apply, the rule will also promote consistency so that similarly situated claimants receive similar compensation or death benefits. In addition, the rule will benefit the regulated community by forestalling further litigation over the ''currently receiving'' clause in cases governed by this rule. The Department also sees no countervailing burden—economic or otherwise—other than those imposed by the statute itself that would counsel against promulgating this rule.

One commenter generally stated that the Department had not fully addressed the proposed rule's financial impact on the industry or compensation claimants, noting the importance of predictability for reserving funds to cover compensation payments. The final rule sets out clear standards for applying the LHWCA's maximum and minimum compensation provisions and will thus provide the predictability the commenter seeks.

Finally, because this is not a ''significant regulatory action'' within the meaning of Executive Order 12866, the Office of Management and Budget waived its review.

VI. Regulatory Flexibility Act and Executive Order 13272 (Proper Consideration of Small Entities in Agency Rulemaking)

The Regulatory Flexibility Act of 1980, as amended (5 U.S.C. 601 *et seq.*), requires an agency to prepare a regulatory flexibility analysis when it proposes regulations that will have ''a significant economic impact on a substantial number of small entities'' or to certify that the proposed regulations will have no such impact, and to make the analysis or certification available for public comment.

For the reasons set forth in the NPRM, the Department determined that a complete regulatory flexibility analysis was not necessary, and certified that the proposed rules would not have a significant economic impact on a substantial number of small entities. 81 FR 58887. The Department invited public comment on the certification and delivered a copy of the certification to the chief counsel for Advocacy of the Small Business Administration. *See generally* 5 U.S.C. 605.

The Chief Counsel for Advocacy has not filed comments on the certification. Although one commenter generally stated that the Department had not quantified the economic impact on industry or the benefit to Longshore employees, the commenter provided no additional information regarding the rule's potential impact on small entities. Because the comments provide no basis for departing from its prior conclusion, the Department again certifies that this rule will not have a significant economic impact on a substantial number of small entities. As a result, no regulatory flexibility analysis is required.

VII. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531 *et seq.*) directs agencies to assess the effects of Federal regulatory actions on State, local, and tribal governments, and the private sector, ''other than to the extent that such regulations incorporate requirements specifically set forth in law.'' For purposes of the Unfunded Mandates Reform Act, this rule does not include any Federal mandate that may result in increased expenditures by State, local, and tribal governments, or increased expenditures by the private sector of more than $100,000,000.

XIII. Executive Order 13132 (Federalism)

The Department has reviewed this rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have ''federalism implications.'' The rule 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.''

IX. Executive Order 12988 (Civil Justice Reform)

This rule meets the applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

List of Subjects in 20 CFR Part 702

Administrative practice and procedure, Claims, Longshore and harbor workers, Maximum compensation rates, Minimum compensation rates, Workers' compensation.

For the reasons stated in the preamble, the Department of Labor amends 20 CFR part 702 as follows:

PART 702—ADMINISTRATION AND PROCEDURE

■ 1. The authority citation for part 702 is revised to read as follows:

Authority: 5 U.S.C. 301, and 8171 *et seq.;* 33 U.S.C. 901 *et seq.;* 42 U.S.C. 1651 *et seq.;* 43 U.S.C. 1333; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; Secretary's Order 10–2009, 74 FR 58834.

■ 2. Add subparts G and H to read as follows:

Subpart G—Section 10(f) Adjustments

Sec.

702.701 What is an annual section 10(f) adjustment and how is it calculated?

Subpart H—Maximum and Minimum Compensation Rates

General

Sec.

702.801 Scope and intent of this subpart.
702.802 Applicability of this subpart.
702.803 Definitions.
702.804 What are the weekly maximum and minimum rates for each fiscal year and how are they calculated?

Maximum Rates

702.805 What weekly maximum rates apply to compensation for permanent partial disability, temporary total disability, and temporary partial disability?
702.806 What weekly maximum rates apply to compensation for permanent total disability?
702.807 What weekly maximum rates apply to death benefits?

Minimum Rates

702.808 What weekly minimum rates apply to compensation for partial disability?
702.809 What weekly minimum rates apply to compensation for temporary total disability?
702.810 What weekly minimum rates apply to compensation for permanent total disability?
702.811 What weekly minimum rates apply to death benefits?

Subpart G—Section 10(f) Adjustments

§ 702.701 What is an annual section 10(f) adjustment and how is it calculated?

(a) Claimants receiving compensation for permanent total disability or death benefits are entitled to section 10(f) adjustments each fiscal year. A section 10(f) adjustment cannot decrease the compensation or death benefits payable to any claimant.

(b) The section 10(f) adjustment for a given fiscal year is the lower of:

(1) The percentage by which the new fiscal year's national average weekly wage exceeds the prior fiscal year's national average weekly wage as determined by the Department (*see* § 702.804(b)); or

(2) 5 percent.

(c) Section 10(f) percentage increases are applied each October 1 to the amount of compensation or death benefits payable in the prior fiscal year.

(d) In applying section 10(f) adjustments—

(1) Calculations are rounded to the nearest dollar; and

(2) No adjustment is made if the calculated amount is less than one dollar.

(e) A section 10(f) adjustment must not increase a claimant's weekly compensation or death benefits beyond the applicable fiscal year's maximum rate.

(f) Section 10(f) adjustments do not apply to compensation for temporary or partial disability.

Subpart H—Maximum and Minimum Compensation Rates

General

§ 702.801 Scope and intent of this subpart.

(a) This subpart implements the Act's provisions that affect the maximum and minimum rates of compensation and death benefits payable to employees and survivors. These statutory provisions include sections 6(b) and (c), and 9(e). 33 U.S.C. 906(b), (c); 909(e). It is intended that these statutory provisions be construed as provided in this subpart.

(b) These regulations implement section 6(c), 33 U.S.C. 906(c), based on the following concepts:

(1) An employee is ''newly awarded compensation'' when he or she first becomes disabled due to an injury;

(2) A survivor is ''newly awarded compensation'' on the date the employee died; and

(3) An employee or survivor is ''currently receiving compensation'' when compensation for permanent total disability or death benefits is payable, regardless of when payment is actually made.

§ 702.802 Applicability of this subpart.

(a) This subpart applies to all compensation and death benefits paid under the Act as a result of injuries or deaths occurring on or after May 21, 2018 with the following exceptions:

(1) Amounts payable under an approved settlement (*see* 33 U.S.C. 908(i));

(2) Amounts paid for an employee's death to the Special Fund (*see* 33 U.S.C. 944(c)(1));

(3) Any payments for medical expenses (*see* 33 U.S.C. 907); and

(4) Any other lump sum payment of compensation or death benefits, including aggregate death benefits paid when a survivor remarries (*see* 33 U.S.C. 909(b)) or aggregate compensation paid under a commutation (*see* 33 U.S.C. 909(g)).

(b) The rules in this subpart governing minimum disability compensation and death benefits do not apply to claims arising under the Defense Base Act, 42 U.S.C. 1651 (*see* 42 U.S.C. 1652(a); 20 CFR 704.103).

§ 702.803 Definitions.

The following definitions apply to this subpart:

Calculated compensation rate means the amount of weekly compensation for total disability or death that a claimant would be entitled to if there were no maximum rates, minimum rates, or section 10(f) adjustments.

Date of disability. (1) Except as provided in paragraph (2) of this definition, the date of disability is the date on which the employee first became incapable, because of an injury, of earning the same wages the employee was receiving at the time of the injury.

(2) Exceptions:

(i) For scheduled permanent partial disability benefits under 33 U.S.C. 908(c)(1)–(20) that are not preceded by a permanent total, temporary total, or temporary partial disability resulting from the same injury, the date of disability is the date on which the employee first becomes permanently impaired by the injury to the scheduled member.

(ii) For an occupational disease that does not immediately result in disability, the date of disability is the date on which the employee becomes aware, or in the exercise of reasonable diligence or by reason of medical advice should have been aware, of the relationship between his or her employment, the disease, and the disability.

(iii) For any disability lasting 14 or fewer days, the date of disability is 4 days after the date on which the employee first became incapable, because of an injury, of earning the same wages the employee was receiving at the time of the injury.

Fiscal year or *FY* means the period from October 1 of a calendar year until September 30 of the following calendar year.

Maximum rate means the maximum weekly compensation rate calculated by the Department for a given fiscal year as described in § 702.804(b).

Minimum rate means the minimum weekly compensation rate calculated by the Department for a given fiscal year as described in § 702.804(c).

Section 10(f) adjustment means the annual increase that certain claimants receiving compensation for permanent total disability or death are entitled to each fiscal year under 33 U.S.C. 910(f) and as calculated by the Department as described in § 702.701(b).

§ 702.804 What are the weekly maximum and minimum rates for each fiscal year and how are they calculated?

(a) For each fiscal year, the Department must determine a weekly maximum and minimum compensation rate. These amounts are called the maximum and minimum rates in this subchapter. In combination with other factors, these rates are used to determine compensation payments under the Act.

(b) The maximum compensation rate in effect for a given fiscal year is 200% of the national average weekly earnings of production or nonsupervisory workers on private, nonagricultural payrolls, as calculated by the Department, for the first three quarters of the preceding fiscal year.

(c) The minimum compensation rate in effect for a given fiscal year is 50% of the national average weekly earnings of production or nonsupervisory workers on private, nonagricultural payrolls, as calculated by the Department, for the first three quarters of the preceding fiscal year.

Maximum Rates

§ 702.805 What weekly maximum rates apply to compensation for permanent partial disability, temporary total disability, and temporary partial disability?

(a) The maximum rate in effect on the date of disability applies to all compensation payable for permanent partial disability, temporary partial disability, and temporary total disability.

(b) Examples:

(1) Employee *A* suffers a covered workplace injury on April 1, 2000, is temporarily totally disabled from that day through June 4, 2002, and is

thereafter permanently partially disabled. All compensation payable for *A's* disability is subject to the FY 2000 maximum rate.

(2) Employee *B* suffers a covered workplace injury on August 25, 2010, and is temporarily totally disabled until September 25, 2010, when he returns to work. On January 3, 2011, he again becomes temporarily totally disabled from the same injury. He ceases work and is unable to return until November 22, 2012. All compensation payable for *B's* disability is subject to the FY 2010 maximum rate.

(3) Employee *C* retires on May 6, 2011. She discovers on November 10, 2012, that she has a compensable occupational disease. All compensation payable for *C's* occupational disease is subject to the FY 2013 maximum rate. *See* § 702.601(b) (occupational diseases discovered post-retirement are compensated as permanent partial disabilities).

§ 702.806 What weekly maximum rates apply to compensation for permanent total disability?

(a) The maximum rate in effect on the date that the employee became totally and permanently disabled applies to all compensation payable for permanent total disability during that fiscal year.

(b) For all periods the employee is permanently and totally disabled in subsequent fiscal years, the weekly compensation payable is subject to each subsequent year's maximum rate.

(c) If a claimant is receiving compensation for permanent total disability at the maximum rate for the current fiscal year, but the next fiscal year's maximum rate will be higher than the claimant's calculated compensation rate, the claimant's compensation for the next fiscal year will increase by the amount of the 10(f) adjustment, subject to the maximum rate for the next fiscal year.

(d) Examples:

(1) Employee *A* suffers a covered workplace injury on April 1, 2000, and is permanently and totally disabled from that date forward. *A's* compensation for the period from April 1, 2000, until September 30, 2000, is subject to the FY 2000 maximum rate. Beginning October 1, 2000, *A's* compensation for FY 2001 is subject to the FY 2001 maximum rate, compensation for FY 2002 is subject to the FY 2002 maximum rate, *etc.*

(2) Employee *B* suffers a covered workplace injury on April 1, 2000, is temporarily totally disabled from that day through June 3, 2002, and is thereafter permanently totally disabled. *B's* compensation for the period from April 1, 2000, through June 3, 2002, is subject to the FY 2000 maximum rate (*see* § 702.805(a)). *B's* compensation for the period from June 4, 2002, through September 30, 2002, is subject to the FY 2002 maximum rate. Beginning October 1, 2002, *B's* compensation for FY 2003 is subject to the FY 2003 maximum rate, compensation for FY 2004 is subject to the FY 2004 maximum rate, *etc.*

(3) Employee *C* suffers a covered workplace injury in FY 2009 and is permanently totally disabled from that day forward. He was earning $1,950.00 a week when he was injured, making his calculated compensation rate $1,300.00 ($1,950.00 × 2 ÷ 3). His calculated compensation rate exceeds the maximum rate from FY 2009–2012; thus, his compensation is limited to each year's maximum rate. In FY 2013, *C's* calculated compensation rate of $1,300.00 is, for the first time, less than the FY 2013 maximum rate of $1,325.18. Applying the FY 2013 2.31% section 10(f) adjustment to *C's* FY 2012 compensation rate of $1,295.20 results in a compensation rate of $1,325.00 ($1,295.20 × .0231 = $29.92, rounded to the nearest cent; $1,295.20 + $29.92 = $1,325.12, rounded to the nearest dollar). This amount falls just below the FY 2013 maximum rate of $1,325.18. Thus, *C's* benefit rate for FY 2013 is $1,325.00, and is not limited by the maximum rate.

§ 702.807 What weekly maximum rates apply to death benefits?

(a) The maximum rate in effect on the date that the employee died applies to all death benefits payable during that fiscal year.

(b) Aggregate weekly death benefits paid to all eligible survivors during the fiscal year in which the employee died must not exceed the lower of—

(1) The maximum rate for that fiscal year; or

(2) The employee's average weekly wages.

(c) For subsequent fiscal years—

(1) Aggregate weekly death benefits paid during each subsequent fiscal year are subject to each subsequent year's maximum rate.

(2) If death benefits were paid in the first year at the employee's full average weekly wage under paragraph (b)(2) of this section, the aggregate weekly death benefits paid for each subsequent year may not exceed the current benefit rate plus the subsequent year's section 10(f) adjustment (*see* § 702.701).

(d) Post-retirement occupational diseases: Notwithstanding paragraphs (a) through (c) of this section, if an employee's death results from an occupational disease where the date of disability occurred after the employee voluntarily retired—

(1) Aggregate weekly death benefits paid to all eligible survivors during the fiscal year in which the employee died must not exceed the lower of:

(i) The maximum rate for that fiscal year; or

(ii) One fifty-second part of the employee's average annual earnings during the 52-week period preceding retirement.

(2) For subsequent fiscal years—

(i) Aggregate weekly death benefits paid during each subsequent fiscal year are subject to each subsequent year's maximum rate.

(ii) If death benefits were paid in the first year at 1/52 part of the employee's average annual earnings prior to retirement under paragraph (d)(1)(ii) of this section, the aggregate weekly death benefits paid for each subsequent year may not exceed the current benefit rate plus the subsequent year's section 10(f) adjustment (*see* § 702.701).

(e) Examples:

(1) Employee *A* suffers a covered workplace injury on May 1, 2013, and is permanently and totally disabled from that date until August 1, 2014, when he dies due to the injury. He has one eligible survivor and his average weekly wage at the time of injury was $3,000.00. The calculated compensation rate for *A's* survivor is $1,500.00 (*i.e.,* 50% of *A's* average weekly wage). *A's* weekly survivor's benefits for the period from August 2, 2014, to September 30, 2014, are limited to the FY 2014 maximum rate of $1,346.68. Beginning October 1, 2014, *A's* survivor's benefits for FY 2015 are subject to the FY 2015 maximum rate, benefits for FY 2016 are subject to the FY 2016 maximum rate, *etc.*

(2) Employee *B* suffers a covered workplace injury and dies on December 1, 2012. She has one eligible survivor and her average weekly wage was $300.00. Because *B's* average weekly wage of $300.00 falls below the FY 2013 national average weekly wage of $662.59, death benefits are calculated at 50% of that national average wage (*see* 33 U.S.C. 909(e)). This yields a calculated compensation rate of $331.30. But because this rate exceeds *B's* actual average weekly wages, weekly death benefits payable during FY 2013 are limited to $300.00. In FY 2014, *B's* survivor is entitled to a 1.62% section 10(f) adjustment, resulting in weekly death benefits of $305.00 ($300.00 × .0162 = $4.86; $300.00 + $4.86 = $304.86, rounded to the nearest dollar). *B's* survivor would continue to receive section 10(f) adjustments in subsequent fiscal years.

(3) Employee *C* retired on February 1, 1998. During his last year of employment, he earned $23,000. He discovers on April 15, 2002, that he has a compensable occupational disease resulting in a 50% permanent impairment. *See* § 702.601(b). Because he retired more than one year before this date, his payrate for calculating compensation is the FY 2002 national average weekly wage, or $483.04. *See* § 702.603(b). He is entitled to weekly compensation of $161.01 ($483.04 × 2 ÷ 3 × 50%). *C* dies from the disease on June 1, 2015, leaving two survivors. The payrate for calculating death benefits is the FY 2015 national average weekly wage, or $688.51. *See* § 702.604(b). The survivors' aggregate calculated compensation rate is $459.01 ($688.51 × 2 ÷ 3). But because compensation cannot exceed 1/52 part of *C's* last year of earnings, aggregate weekly death benefits payable for FY 2015 are limited to $442.31 ($23,000 ÷ 52). For FY 2016, *C's* survivors are entitled to a 2.10% section 10(f) adjustment resulting in weekly death benefits of $452.00 ($442.31 × .021 = $9.29, rounded to the nearest cent; $442.31 + $9.29 = $451.60, rounded to the nearest dollar). *C's* survivors would continue to receive section 10(f) adjustments in subsequent fiscal years.

Minimum Rates

§ 702.808 What weekly minimum rates apply to compensation for partial disability?

There is no minimum rate for compensation paid for partial disability, whether temporary or permanent.

§ 702.809 What weekly minimum rates apply to compensation for temporary total disability?

(a) The minimum compensation payable for temporary total disability is the lower of:

(1) The minimum rate in effect on the date of disability, or

(2) The employee's average weekly wage on the date of disability.

(b) Example: Employee *A* suffers a covered workplace injury on May 6, 2014. He is temporarily totally disabled until November 6, 2015, when he returns to work. His average weekly wages at the time of disability were $500.00. Because his calculated compensation rate (*i.e.,* 66 and 2/3% of $500.00, or $333.34) is lower than the $336.67 FY 2014 minimum rate, *A's* compensation is raised to $336.67 for the entire period of his disability.

§ 702.810 What weekly minimum rates apply to compensation for permanent total disability?

(a) The weekly minimum compensation payable for the fiscal year in which the employee became permanently and totally disabled is the lower of:

(1) The minimum rate in effect on the date of disability, or

(2) The employee's average weekly wage on the date of disability.

(b) For all periods the employee is permanently and totally disabled in subsequent fiscal years, the weekly minimum compensation payable is the lower of:

(1) Each subsequent fiscal year's minimum rate, or

(2) The employee's average weekly wage on the date of disability.

(c) Example: Employee *A* suffers a covered workplace injury on April 1, 2003, and is permanently totally disabled from that day forward. He was earning $250.00 a week when he was injured. His calculated compensation rate is $166.67 ($250 × 2 ÷ 3). The FY 2003 minimum rate is $249.14. Because *A's* calculated compensation rate is below the FY 2003 minimum rate, and his actual weekly wage is above that rate, he is entitled to compensation at the minimum rate of $249.14 from April 1, 2003, to September 30, 2003. The FY 2004 minimum rate is $257.70. Because *A's* actual weekly wages on the date of disability are lower than the FY 2004 minimum rate, *A's* minimum weekly compensation rate for FY 2004 is $250.00. His weekly compensation rate for FY 2004, however, is higher because of a section 10(f) adjustment. For FY 2004, *A's* compensation rate is increased by a 3.44% section 10(f) adjustment, raising his compensation level to $258.00 ($249.14 × .0344 = $8.57; $249.14 + $8.57 = $257.71, rounded to the nearest dollar).

§ 702.811 What weekly minimum rates apply to death benefits?

(a) The average weekly wage used to compute death benefits is the greater of—

(1) The deceased employee's average weekly wages; or

(2) The national average weekly wage in effect at the time of the employee's death.

(b) The weekly minimum rate does not apply to death benefits.

Signed at Washington, DC, on April 13, 2018.

Julia K. Hearthway,

Director, Office of Workers' Compensation Programs.

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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 meetings.

SUMMARY: The Mine Safety and Health Administration (MSHA) is announcing the dates and locations of additional 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

On April 9, 2018, MSHA published a document (83 FR 15055) announcing six stakeholder meetings. To expand stakeholder outreach, MSHA has scheduled another meeting in Seattle, Washington and two video teleconference (VTC) meetings to be broadcast to seven local offices from MSHA headquarters in Arlington, VA. For the convenience of the public, the complete list of stakeholder meetings is included in this document.

EXAMINATIONS OF WORKING PLACES IN METAL AND NONMETAL MINES STAKEHOLDER MEETINGS

[Dates, times, and locations]

Date/time	Location	Contact number
May 1, 2018, 9 a.m. Central time	DoubleTree by Hilton Hotel, Bloomington, 10 Brickyard Drive, Bloomington, Illinois 61701.	309–664–6446.
May 3, 2018, 9 a.m. Pacific time	Renaissance Seattle Hotel, 515 Madison Street, Seattle, Washington 98104.	206–583–0300.
May 10, 2018, 11 a.m. Eastern time and work through lunch.	VTC	See Table Below.
May 15, 2018, 9 a.m. Central time	Sheraton Birmingham Hotel, 2101 Richard Arrington Jr. Blvd. N, Birmingham, Alabama 35203.	205–324–5000.
May 17, 2018, 9 a.m. Eastern time	Hilton Garden Inn Pittsburgh Downtown, 250 Forbes Avenue, Pittsburgh, Pennsylvania 15222.	412–281–5557.
May 22, 2018, 9 a.m. Pacific time	Renaissance Reno Downtown Hotel, One South Lake Street, Reno, Nevada 89501.	775–682–3900.
May 24, 2018, 9 a.m. Central time	DoubleTree by Hilton, Hotel Dallas—Market Center, 2015 Market Center Blvd, Dallas, Texas 75207.	214–741–7481.
May 31, 2018, 9 a.m. Mountain time	Hilton Garden Inn Denver, Tech Center, 7675 East Union Ave., Denver Colorado 80237.	303–770–4200.
June 6, 2018, 11 a.m. Eastern time and work through lunch.	VTC	See Table Below.

VTC Meetings—May 10 and June 6, 2018

Interested participants may attend these meetings in-person at MSHA's Headquarters in Arlington, VA or by participating by VTC at one of our seven local offices around the country (See table below).

(1) To participate in Arlington, VA:

• Send an email to *zzMSHAcomments@dol.gov.*

• Address—201 12th Street South, 4th Floor Conference Space in Room 4C304, in Arlington, VA 22202.

• When you enter the building, take the elevators to your right up to the 4th floor East reception area to check in. You will then be escorted to room 4C304.

• Nearest metro stations: Pentagon, Pentagon City, Crystal City. Parking is available on the street and in the building.

(2) To participate by VTC at one of the seven local offices, send an email to *zzMSHAcomments@dol.gov.*

VTC Location	Address/contact number
Arlington, VA (Host Location)	MSHA Headquarters, 201 12th Street South, Arlington, VA 22202, Room 4C304, 202–693–9450.
Beckley, WV	National Mine Health and Safety Academy, 1301 Airport Road, Beckley, WV 25813, Auditorium, 304–256–3100.
Birmingham, AL	MSHA District Office 11, 1030 London Drive, Birmingham, AL 35211, Suite 400 (next to Canon Office Building), 205–290–7294.
Denver, CO	MSHA District Office 9, Denver Federal Center, 6th & Kipling, 2nd Street, Bldg. 25, Denver, CO 80225, Enter through Gate 2-Visitors, 303–231–5465.
Mesa, AZ	Mesa Field Office, 63 East Main Street, Suite 402, Mesa, AZ 85201, 480–649–5452.
Duluth, MN	MSHA North Central District Office, Federal Building, U.S. Courthouse, 515 W. 1st Street, Duluth, MN 55802, Room 327, 218–720–5448.
Warrendale, PA	MSHA Northeastern District Office, 178 Thorn Hill Road, Suite 100, Warrendale, PA 15086, 724–772–2334.
Vacaville, CA	MSHA Western District Office, 991 Nut Tree Road, Vacaville, CA 95687, Will be escorted to Conference Room, 707–447–7864.

II. Background

On January 23, 2017, MSHA 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, published April 9, 2018 (83 FR 15055), is effective on June 2, 2018.

David G. Zatezalo,

Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 2018–08240 Filed 4–18–18; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 518

[Docket ID: USA–2017–HQ–0006]

RIN 0702–AA79

The Freedom of Information Act Program

AGENCY: Department of the Army, DoD.

ACTION: Final rule.

SUMMARY: This final rule removes the Department of the Army's regulation concerning the Freedom of Information Act program. On February 6, 2018, the

DoD published a revised FOIA program rule as a result of the FOIA Improvement Act of 2016. When the DoD FOIA program rule was revised, it included DoD component information and removed the requirement for component supplementary rules. The DoD now has one DoD-level rule for the FOIA program that contains all the codified information required for the Department.

DATES: This rule is effective on April 19, 2018.

FOR FURTHER INFORMATION CONTACT: Alecia Bolling at 703–428–6081.

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 is based on removing Army's internal policies and procedures that are publically available on the Army's website.

The Department of the Army's internal guidance concerning the implementation of the FOIA within the Department of the Army will continue to be published in Army Regulation 25–55 (available at *http://www.apd.army.mil/epubs/DR_pubs/DR_a/pdf/web/r25_55.pdf*).

This rule is one of 14 separate DoD FOIA rules. With the finalization of the DoD-level FOIA rule at 32 CFR part 286, the Department is eliminating the need for this separate FOIA rule and reducing costs to the public as explained in the preamble of the DoD-level FOIA rule published at 83 FR 5196–5197.

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 518

Administrative practice and procedure, Freedom of information.

PART 518—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 518 is removed.

Dated: April 13, 2018.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2018–08204 Filed 4–18–18; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0016]

RIN 1625–AA87

Security Zone; Presidential Security Zone, Palm Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a security zone that encompasses certain waters of the Lake Worth Lagoon, Intracoastal Waterway, and Atlantic Ocean near the Mar-A-Lago Club and the Southern Boulevard Bridge in Palm Beach, Florida (FL). The Coast Guard will only enforce this rule when the President of the United States, members of the First Family, or other persons under the protection of the Secret Service are present or expected to be present. This action is necessary to protect the official party, public, and surrounding waterways from terrorist acts, sabotage or other subversive acts, accidents, or other events of a similar nature.

DATES: This rule is effective May 21, 2018.

ADDRESSES: To view documents mentioned in this preamble go to: *http://www.regulations.gov* and enter USCG–2017–0016 in the ''SEARCH'' feature. Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email, Petty Officer Mara Brown, Waterways Management Division, U.S. Coast Guard; telephone 305–535–4317, email *Mara.J.Brown@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
FL Florida
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

Through this final rule, the United States Coast Guard is establishing a security zone that encompasses certain waters of the Lake Worth Lagoon, the Intracoastal Waterway, and the Atlantic Ocean in the vicinity of the Mar-a-Lago Club and the Southern Boulevard Bridge in Palm Beach, FL. The security zone is necessary to protect the official party, the public, and the surrounding waterway from terrorist acts, sabotage or other subversive acts, accidents, or other events of a similar nature. The Coast Guard will only enforce the security zone when the President of the United States, members of the First Family, or other persons under the protection of the Secret Service are present or expected to be present. On June 20, 2017, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled, ''Security Zone; Presidential Security Zone, Palm Beach, FL'' in the **Federal Register** (82 FR 28036). In the NPRM, we invited members of the public to provide comments on our proposed regulatory action related to this security zone. During the comment period, which ended on July 20, 2017, the Coast Guard received sixteen submissions containing twenty-two separate comments.

III. Legal Authority and Need for the Rule

The Coast Guard is issuing this rule under the authority in 33 U.S.C. 1231. The COTP Miami has determined the security zone is necessary to protect the official party, public, and surrounding waterways from terrorist acts, sabotage or other subversive acts, accidents, or other events of a similar nature. The purpose of this rule is to ensure the security of vessels and navigable waters during visits to the Mar-a-Lago Club by the President, the First Family, and other persons under the protection of the Secret Service.

IV. Discussion of Comments and Changes to the Rule

A. Discussion of Comments

The Coast Guard received sixteen submissions from the public consisting of twenty-two separate comments in response to the proposed rule. The total number of comments exceeds the number of submissions because many commenters expressed their views about more than one aspect of the proposed rule. All the comments we received were from private citizens and are discussed below.

Six commenters endorsed the Coast Guard's proposal, but some of these commenters had questions or concerns that we will discuss individually below.

Three commenters expressed opposition to the proposed rule. One of these commenters expressed opposition to any waterway restrictions. We note this opposition. The two other commenters expressed concern that the restrictions on boaters would be

permanently enforced year round. As noted in the NPRM, the security zone will not be in effect at all times. The Coast Guard will only enforce the security zone when the President, First Family, or persons receiving Secret Service protection are present or expected to be present at the Mar-a-Lago Club.

Three commenters had regulatory-related questions. Two questions were of a similar nature, involving public notification. One of these commenters suggested the Coast Guard notify each affected property owner prior to activating the security zone. The other commenter asked if signs advising the public of the security zone would be placed on a nearby bridge and surrounding area. The Coast Guard considered these comments and will amend the final rule's regulatory text in section 165.785(d) to advise the public that it will rely on our notification methods described in 33 CFR 165.7 to notify the local community prior to activating the security zone.[1] The Coast Guard will send a Maritime Safety Information Bulletin (MSIB) that contains a map of the security zone and description of the regulation to a local marine industry group who will circulate the MSIB among local marinas and local boating clubs. In addition, on-scene Coast Guard units will distribute MSIBs to approaching boaters. The Coast Guard will also issue a press release to local news outlets, and post the information on social media and on its news website at: *www.news.uscg.mil.* On-scene Coast Guard patrol assets will also display flashing energized blue lights when the center, west, or east security zones are in effect. Finally, the Coast Guard will issue a Broadcast Notice to Mariners (BNM) over VHF marine radio on channel 16. The third commenter asked if first-time violators of the security zone could receive a reduced fine. Any violation of the security zone may result in fines and/or penalties as set forth in 33 U.S.C. 1232 and 50 U.S.C. 192; however, law enforcement units enforcing the security zone will determine whether a citation or warning is warranted on a case-by-case basis.

Four submissions were related to the restrictions being placed on boater activities, including non-motorized boats such as kayaks, canoes, and paddleboards. These comments ranged from concerns the security zone would affect the pleasure of boating to concerns that residents would not be allowed to use their boats at all. They also expressed concerns that they would not be able to return to their waterfront homes when the security zone was activated. The east or west security zones do not prohibit boaters from travelling through these zones; they merely regulate how boaters may transit through these areas. The west zone requires persons and vessels seeking to travel through this zone to be escorted by an on-scene designated representative, maintain a steady speed, and not slow down or stop except in the case of unforeseen mechanical failure or other emergency. The east zone does not require an escort, but requires persons and vessels seeking to travel through this zone to travel at a steady speed, and not slow down or stop except in the case of unforeseen mechanical failure or other emergency. The center zone is the only zone that prohibits any vessel or person from entering, transiting, anchoring in, or remaining within the zone without obtaining permission from the COTP Miami or a designated representative, while the security zone is in effect. Boaters wishing to return home through the center zone when this zone is in effect will have to notify on-scene law enforcement units who will then escort them back to their dock.

In addition, the commenters advocated for allowing non-motorized boats to come within 50 feet of the Mar-a-Lago Club, which is adjacent to the center zone. As stated above, boats are prohibited from entering, transiting, anchoring in, or remaining in the center zone without obtaining permission from the COTP Miami or a designated representative. Allowing pleasure boats to enter this zone for recreational purposes while the security zone is in effect would reduce the effectiveness of this zone as a protective measure.

One commenter expressed concerns that the rule would affect businesses in the area, which heavily rely on tourist dollars, especially during the peak autumn months. The commenter added one of the primary attractions to Florida is the boating and fishing industries and the creation of the security zone would discourage tourists from visiting the area, and as a result, local businesses would lose revenue. We believe businesses that rely on tourism will not be affected by this rule because these businesses will be allowed to continue to conduct their business practices as they normally would even when the security zone is in effect.

Another commenter sought clarification on why the proposed rule would not adversely affect the economy, and why making this a permanent rule that would be enforced using government resources is required or provides a cost benefit to the public in lieu of the ''temporary security zones'' referenced in the NPRM at Section II, ''Background, Purpose, and Legal Basis.'' The rule will not have an adverse effect on the economy because this rule will not 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. For further information on the economic analysis of this rule, see sections V.A. and V.B. of this final rule below. The security zone established by this rule would not be in effect all the time, but only during visits by the President, the First Family, and other persons under the protection of the Secret Service to the Mar-a-Lago Club. The Coast Guard conducted a cost-benefit analysis of this regulatory action, and determined creating a permanent security zone was the best approach to achieve our regulatory objectives because of the recurring need for the zone for an extended period of time. Establishing a permanent security zone allows the public and potentially affected persons to establish certainty about expected protection measures during such visits.

One comment addressed concerns with the public's ability to protest from their boats. The Coast Guard respects the First Amendment rights of protesters. Any persons wishing to protest in a location affected by this rule should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section so they may coordinate protest activities in a manner that would not jeopardize the safety or security of people, places, or vessels.

Another commenter stated the way in which armed on-scene Coast Guard personnel speed toward boaters is unnecessary and intimidating. The commenter added that approaching boaters in this manner tends to make the boater stop, but the proposed rule states that boaters should not stop or they will be considered a threat. The purpose of the security zone is to protect the official party, the public, and the surrounding waterway from terroristic acts, sabotage or other subversive acts, accidents, or other events of a similar nature. As such, the Coast Guard must adhere to certain protocols in the course of enforcing the security zone. On-scene Coast Guard units are following established protocols that include

[1] 33 CFR 165.7(a) permits the Coast Guard to notify persons of the establishment of limited access areas and regulated navigation areas by ''marine broadcasts, local notice to mariners, local news media, distribution in leaflet form, and on-scene oral notice, as well as publication in the **Federal Register**.''

having armed personnel who will approach and investigate all vessels seeking escort through the security zone to ensure the safety of all persons involved.

One commenter requested the Coast Guard establish a safety zone, in addition to a security zone, in the waters around the Mar-a-Lago Club, and suggested this could easily be done by placing floating buoys in the safety zone area advising boaters that the area is inaccessible. The commenter is concerned that dredging would occur around the Mar-a-Lago Club, which would allow boaters to anchor their vessels unattended within the area covered by the security zone, and then when the security zone goes into effect there would be no place to put these vessels. The waters around the Mar-a-Lago Club are not deep enough for boaters to anchor their vessels nor has there been an issue with boaters attempting to anchor their vessels in the waters around the Mar-a-Lago Club. The Coast Guard has determined a security zone is sufficient to mitigate any potential security threats presented while protected persons are in the residence at the Mar-a-Lago Club.

We received one comment suggesting that the Coast Guard's protection of the waters near the Mar-A-Lago Club should be tied to the Coast Guard's budget. This comment is beyond the scope of this rulemaking.

B. Discussion of Changes

This rule contains changes in the regulatory text from the NPRM. We found the coordinates defining the east security zone (section 165.785(a)(3)) to be incorrect. The incorrect coordinates extended the east security zone further offshore than intended. The regulatory text in this rule contains the corrected coordinates. The revised coordinates for the east zone are: All waters of the Atlantic Ocean within the following points: Beginning at Point 1 in position 26°41′21″ N, 80°02′01″ W; thence south following the shoreline to Point 2 in position 26°39′57″ N, 80°2′09″ W; thence east to Point 3 in position 26°39′57″ N, 80°01′36″ W; thence north to Point 4 in position 26°41′22″ N, 80°01′29″ W, thence back to the origin at Point 1.

In 33 CFR 165.785(a)(1)–(a)(3), the words ''surface to bottom'' are added to clarify the extent of the intended coverage of the security zone.

In response to public comments we have revised the regulatory text in section 165.785(d) to provide for additional public outreach information not listed in the NPRM. The Coast Guard will notify the local community of the security zone in several ways consistent with our notification regulations contained in 33 CFR 165.7. Prior to activating the security zone, the Coast Guard will send a MSIB that contains a map of the security zone and description of the regulation to a local marine industry group who will circulate the MSIB among local marinas and local boating clubs. In addition, on-scene Coast Guard units will distribute MSIBs to approaching boaters. The Coast Guard will also issue a press release to local news outlets, and post the information on social media and on its news website at: *www.news.uscg.mil.* On-scene Coast Guard patrol assets will display flashing energized blue lights when the center, west, or east security zones are in effect.

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 the First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) 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 (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs) directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it. As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. *See* the OMB Memorandum titled ''Guidance Implementing Executive Order 13771, 'Reducing Regulation and Controlling Regulatory Costs''' (April 5, 2017).

The economic impact of this rule is not significant for the following reasons: (1) The security zone will only be enforced when the President of the United States, members of the First Family, or other persons under the protection of the Secret Service are present or expected to be present; (2) The center zone will only affect a relatively small area of the Intracoastal Waterway in Palm Beach, FL and vessels will be able to transit the zone if granted permission to do so by the COTP Miami or a designated representative; (3) The west zone is located in an area of the Intracoastal Waterway where vessel traffic is low, approximately 152 vessels per day, and vessels will be allowed to transit the zone when escorted by an on-scene designated representative; (4) Vessels may transit the east zone at a steady speed as long as they do not slow down or stop except in case of unforeseen mechanical failure or other emergency; and (5) The Coast Guard will notify the local community of the security zone in several ways consistent with our notification regulations contained in 33 CFR 165.7. Prior to activating the security zone, the Coast Guard will send a Maritime Safety Information Bulletin (MSIB) that contains a map of the security zone and description of the regulation to a local marine industry group who will circulate the MSIB among local marinas and local boating clubs. In addition, on-scene Coast Guard units will distribute MSIBs to approaching boaters. The Coast Guard will also issue a press release to local news outlets, and post the information on social media and on its news website at: *www.news.uscg.mil.* On-scene Coast Guard patrol assets will display flashing energized blue lights when the center, west, or east security zones are in effect. Larger vessels may need to wait to pass under the Southern Boulevard Bridge, which has set opening times pursuant to a separate existing regulation at 33 CFR 117.261(w). The bridge opens on the quarter-hour and three-quarter hour, or as directed by the on-scene designated representative.

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 received no comments

from the Small Business Administration on this rulemaking. 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 security zones 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 does 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.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a security zone lasting only a few days at a time that will restrict entry within certain waters of the Intracoastal Waterway and the Atlantic Ocean in Palm Beach, FL. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01, and under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.lD. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.785 before the undesignated center heading ''Eighth Coast Guard District'' to read as follows:

§ 165.785 Security Zone; Presidential Security Zone, Palm Beach, FL.

(a) *Regulated areas.* The following areas are security zones:

(1) *Center zone.* All waters of Lake Worth Lagoon from surface to bottom within the following points: Beginning at Point 1 in position 26°41′21″ N, 80°02′39″ W; thence east to Point 2 in position 26°41′21″ N, 80°02′13″ W; thence south following the shoreline to Point 3 in position 26°39′58″ N, 80°02′20″ W; thence west to Point 4 in position 26°39′58″ N, 80°02′38″ W, thence back to origin at Point 1.

(2) *West zone.* All waters of Lake Worth Lagoon from surface to bottom within the following points: Beginning at Point 1 in position 26°41′21″ N, 80°02′39″ W; thence west to Point 2 in position 26°41′21″ N, 80°03′00″ W; thence south following the shoreline to Point 3 in position 26°39′58″ N, 80°02′55″ W; thence east to Point 4 in position 26°39′58″ N, 80°02′38″ W, thence back to origin at Point 1.

(3) *East zone.* All waters of the Atlantic Ocean from surface to bottom within the following points: Beginning at Point 1 in position 26°41′21″ N, 80°02′01″ W; thence south following the shoreline to Point 2 in position 26°39′57″ N, 80°2′09''W; thence east to Point 3 in position 26°39′57″ N, 80°01′36″ W; thence north to Point 4 in position 26°41′22″ N, 80°01′29″ W, thence back to origin at Point 1.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, as well as Federal, state, and local officers designated by or assisting the COTP Miami with enforcing the security zone.

(c) *Regulations*—(1) *Center zone.* All persons and vessels are prohibited from entering, transiting, anchoring in, or remaining within the security zone

unless authorized by the COTP Miami or a designated representative.

(2) *West zone.* All persons and vessels are required to transit the security zone escorted by an on-scene designated representative at a steady speed and may not slow down or stop except in the case of unforeseen mechanical failure or other emergency. Any persons or vessels forced to slow or stop in the zone shall immediately notify the COTP Miami via VHF channel 16.

(3) *East zone.* All persons and vessels are required to transit the security zone at a steady speed and may not slow down or stop except in the case of unforeseen mechanical failure or other emergency. Any persons or vessels forced to slow or stop in the zone shall immediately notify the COTP Miami via VHF channel 16.

(4) *Contacting Captain of the Port.* Persons who must notify or request authorization from the COTP Miami may do so by telephone at (305)535–4472 or may contact a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the security zone is granted by the COTP Miami or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP Miami or the designated representative.

(d) *Enforcement period.* This section will be enforced when the President of the United States, members of the First Family, or other persons under the protection of the Secret Service are present or expected to be present at the Mar-a-Lago Club in Palm Beach, Florida. The Coast Guard will rely on the methods described in § 165.7 to notify the public prior to activation of any of the security zones described in paragraph (a) of this section. Coast Guard patrol assets will also be on-scene with flashing energized blue lights when the center, west, or east security zone is in effect.

Dated: April 7, 2018.

M.M. Dean,

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

[FR Doc. 2018–08230 Filed 4–18–18; 8:45 am]

BILLING CODE 9110–04–P

SURFACE TRANSPORTATION BOARD

49 CFR Chapter X

[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 replace certain obsolete or incorrect references in the regulations.

DATES: This rule is effective May 19, 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.

This decision makes the following changes to the Board's regulations:

- Eliminates or changes obsolete agency and/or office titles (*e.g.,* 49 CFR 1011.6, 1105.7(b)(9), 1200.2);
- corrects obsolete contact information (*e.g.,* 49 CFR 1244.4(c)(1));
- corrects references to United States Code or Code of Federal Regulations sections that have been moved or are otherwise incorrect (*e.g.,* 49 CFR 1244.4, 1244.9(b));
- provides that appeals under 49 CFR 1244.9 must be filed with the Board (49 CFR 1244.9(d)(4)(iii)); and
- eliminates other obsolete or unnecessary material (*i.e.,* 49 CFR 1105.7(b), 1244.9(d)(2)).

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 1011

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies).

49 CFR Part 1105

Environmental impact statements, Reporting and recordkeeping requirements.

49 CFR Part 1200

Freight forwarders, Maritime carriers, Motor carriers, Railroads, Uniform System of Accounts.

49 CFR Part 1201

Railroads, Uniform System of Accounts.

49 CFR Part 1244

Freight, Railroads, Reporting and recordkeeping requirements.

49 CFR Part 1248

Freight, Railroads, Reporting and recordkeeping requirements, Statistics.

49 CFR Part 1260

Archives and records.

It is ordered:

1. The rule modifications set forth below are adopted as final rules.

2. This decision is effective May 19, 2018.

Decided: April 16, 2018.

By the Board, Board Members Begeman and Miller.

Kenyatta Clay,

Clearance Clark.

For the reasons set forth in the preamble, under the authority of 49 U.S.C. 1321, title 49, chapter X, parts 1011, 1105, 1200, 1201, 1244, 1248, and 1260 of the Code of Federal Regulations are amended as follows:

PART 1011—BOARD ORGANIZATION; DELEGATIONS OF AUTHORITY

■ 1. The authority citation for part 1011 continues 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.

§ 1011.6 [Amended]

■ 2. In § 1011.6:

■ a. In paragraph (e), remove ''Director of the Office of Economics, Environmental Analysis, and Administration'' and add in its place ''Director of the Office of Economics''.

■ b. In paragraph (f), remove ''Director and Associate Director of the Office of Economics, Environmental Analysis, and Administration and the Chief of the Section of Economics'' and add in its place ''Director of the Office of Economics''.

PART 1105—PROCEDURES FOR IMPLEMENTATION OF ENVIRONMENTAL LAWS

■ 3. 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.

■ 4. In § 1105.7:
■ a. Revise paragraph (b)(9).
■ b. Remove the undesignated paragraph following paragraph (b)(11).

The revision reads as follows:

§ 1105.7 Environmental reports.

* * * * *

(b) * * *

(9) The Natural Resources Conservation Service;

* * * * *

PART 1200—GENERAL ACCOUNTING REGULATIONS UNDER THE INTERSTATE COMMERCE ACT

■ 5. The authority citation for part 1200 continues to read as follows:

Authority: 49 U.S.C. 1321, 11142, 11143, 11144, 11145.

§ 1200.2 [Amended]

■ 6. In § 1200.2, remove the references to ''Office of Economics, Environmental Analysis, and Administration'' everywhere they appear and add in those places ''Office of Economics''.

PART 1201—RAILROAD COMPANIES

■ 7. The authority citation for part 1201 continues to read as follows:

Authority: 49 U.S.C. 11142 and 11164.

Subpart B—[Amended]

■ 8. In subpart B, section 930(d), remove the reference to ''Office of Economics, Environmental Analysis, and Administration'' and add in its place ''Office of Economics''.

PART 1244—WAYBILL ANALYSIS OF TRANSPORTATION OF PROPERTY—RAILROADS

■ 9. The authority citation for part 1244 continues to read as follows:

Authority: 49 U.S.C. 1321, 10707, 11144, 11145.

§ 1244.4 [Amended]

■ 10. In § 1244.4:
■ a. In paragraph (a)(1), remove the reference to ''§ 1244.3(b)'' and add in its place ''paragraph (b) of this section''.
■ b. In paragraph (a)(2), remove the reference to ''§ 1244.3(c)'' and add in its place ''paragraph (c) of this section''.
■ c. In paragraph (b)(3):
■ i. Remove the reference to ''§ 1244.3(b)'' and add in its place ''paragraph (b)(1) of this section''.
■ ii. Remove the reference to ''§ 1244.3(b)(2)'' and add in its place ''paragraph (b)(2) of this section''.
■ d. In paragraph (c)(1), remove the phone number ''(202) 245–0323'' and add in its place ''(202) 245–0333''.

§ 1244.9 [Amended]

■ 11. In § 1244.9:
■ a. In paragraph (b)(1), remove the reference to ''49 U.S.C. 11910(a)'' and add in its place ''49 U.S.C. 11904(a)''.
■ b. In paragraph (d)(2), remove the reference to ''Ex Parte No. 385 (Sub-No. 2),''.
■ c. In paragraph (d)(4)(iii):
■ i. Remove ''the Chairman'' and add in its place ''the Board''.
■ ii. Remove the reference to ''49 CFR 1011.7(b)(1)'' and add in its place ''49 CFR 1011.6(b)''.

PART 1248—FREIGHT COMMODITY STATISTICS

■ 12. The authority citation for part 1248 continues to read as follows:

Authority: 49 U.S.C. 1321, 11144 and 11145.

Subpart B—[Amended]

■ 13. Remove the authority citation for subpart B.

PART 1260—[REMOVED]

■ 14. Remove part 1260, consisting of a heading and note.

PARTS 1260 THROUGH 1269—[ADDED AND RESERVED]

■ 15. Add reserved parts 1260 through 1269.

[FR Doc. 2018–07987 Filed 4–18–18; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.: 180202111–8353–02]

RIN 0648–BH56

Fisheries of the Northeastern United States; Framework Adjustment 29 to the Atlantic Sea Scallop Fishery Management Plan

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

ACTION: Final rule.

SUMMARY: NMFS approves and implements measures included in Framework Adjustment 29 to the Atlantic Sea Scallop Fishery Management Plan that establish fishing year 2018 and 2019 scallop specifications and other measures. The measures in this rule are in addition to the Northern Gulf of Maine management measures of Framework 29 that were published in a separate final rule on March 26, 2018. This action is necessary to prevent overfishing and improve both yield-per-recruit and the overall management of the Atlantic sea scallop resource. The intended effect of this rule is to implement these measures for the 2018 fishing year.

DATES: Effective April 19, 2018.

ADDRESSES: The New England Fishery Management Council developed an environmental assessment (EA) for this action that describes the measures, other considered alternatives, and analyzes the impacts of the measures and alternatives. Copies of Framework Adjustment 29, the EA, and the Initial Regulatory Flexibility Analysis (IRFA), are available upon request from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950. The EA/IRFA is also accessible via the internet at: *https://www.nefmc.org/library/framework-29-1*.

With regard to new access areas that will become available to scallop fishing through the Omnibus Essential Fish Habitat Amendment 2 (see the final rule for the Omnibus Habitat Amendment published on April 9, 2018 (83 FR 15240)), additional documents are available via the internet at: *http://www.nefmc.org/library/omnibus-habitat-amendment-2.*

Copies of the small entity compliance guide are available from Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930–2298, or available on the internet at: *http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/scallop/.*

FOR FURTHER INFORMATION CONTACT: Travis Ford, Fishery Policy Analyst, 978–281–9233.

SUPPLEMENTARY INFORMATION:

Background

The New England Fishery Management Council adopted Framework Adjustment 29 to the Atlantic Sea Scallop Fishery

Management Plan (FMP) in its entirety on December 7, 2017; submitted an advance decision draft of the framework and draft EA to NMFS on December 21, 2017; and submitted a draft of the framework, including a draft EA, to NMFS on January 25, 2018, for review and approval.

On March 26, 2018, NMFS published a separate final rule to approve and implement the measures in Framework 29 that address the Northern Gulf of Maine (NGOM) management program measures in Framework 29 (83 FR 12857); the NGOM measures were addressed separately to ensure that they were in place prior to April 1, 2018. Additional information on the NGOM measures is provided in the March 26, 2018, final rule and is not repeated here. This action addresses only the remaining portions of Framework 29.

This action approves and implements the portion of Framework 29 that establishes scallop specifications and other measures for fishing year 2018. This includes default fishing year 2019 measures that would go into place should the next specifications-setting action be delayed beyond the April 1 start of fishing year 2019.

This action includes catch, effort, and quota allocation adjustments for fishing year 2018 and default specifications for fishing year 2019. The Council submitted a final EA to NMFS on March 14, 2018, for approval. NMFS published a proposed rule for the non-NGOM measures in Framework 29 on March 15, 2018 (83 FR 11474). The proposed rule included a 15-day public comment period that closed on March 30, 2018. NMFS has approved all of the measures in Framework 29 recommended by the Council, as described below. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) allows NMFS to approve, partially approve, or disapprove measures proposed by the Council based on whether the measures are consistent with the fishery management plan, the Magnuson-Stevens Act and its National Standards, and other applicable law. We defer to the Council's policy choices unless there is a clear inconsistency with the law or the FMP. Details concerning the development of these measures were contained in the preamble of the proposed rule and are not repeated here.

Specification of Scallop Overfishing Limit (OFL), Acceptable Biological Catch (ABC), Annual Catch Limits (ACL), Annual Catch Targets (ACT), Annual Projected Landings (APL), and Set-Asides for the 2018 Fishing Year, and Default Specifications for Fishing Year 2019

Table 1 outlines the scallop fishery catch limits derived from the ABC values and the projected landings of the fleet.

TABLE 1—SCALLOP CATCH LIMITS (mt) FOR FISHING YEARS 2018 AND 2019 FOR THE LIMITED ACCESS AND LIMITED ACCESS GENERAL CATEGORY (LAGC) INDIVIDUAL FISHING QUOTA (IFQ) FLEETS

Catch limits	2018 (mt)	2019 (mt) *
Overfishing Limit	72,055	69,633
Acceptable Biological Catch/ACL (discards removed)	45,950	45,805
Incidental Catch	23	23
Research Set-Aside (RSA)	567	567
Observer Set-Aside	460	458
ACL for fishery	44,900	44,757
Limited Access ACL	42,431	42,295
LAGC Total ACL	2,470	2,462
LAGC IFQ ACL (5 percent of ACL)	2,245	2,238
Limited Access with LAGC IFQ ACL (0.5 percent of ACL)	225	224
Limited Access ACT	37,964	37,843
Closed Area 1 Carryover	743	n/a
APL	25,451	(*)
Limited Access Projected Landings (94.5 percent of APL)	24,051	(*)
Total IFQ Annual Allocation (5.5 percent of APL)	1,400	** 1,050
LAGC IFQ Annual Allocation (5 percent of APL)	1,273	** 955
Limited Access with LAGC IFQ Annual Allocation (0.5 percent of APL)	127	** 95

* The catch limits for the 2019 fishing year are subject to change through a future specifications action or framework adjustment. This includes the setting of an APL for 2019 that will be based on the 2018 annual scallop surveys.

** As a precautionary measure, the 2019 IFQ annual allocations are set at 75 percent of the 2018 IFQ Annual Allocations.

This action deducts 1.25 million lb (567 mt) of scallops annually for 2018 and 2019 from the ABC for use as the Scallop RSA to fund scallop research. Participating vessels are compensated through the sale of scallops harvested under RSA projects. Of the 1.25 million lb (567 mt) allocation, NMFS has already allocated 133,037 lb (60.3 mt) to previously funded multi-year projects as part of the 2017 RSA awards process. NMFS is reviewing proposals submitted for consideration of 2018 RSA awards and will be selecting projects for funding in the near future.

This action also deducts 1 percent of the ABC for the industry-funded observer program to help defray the cost to scallop vessels that carry an observer. The observer set-aside is 460 mt for 2018 and 458 mt for 2019. In fishing year 2018, the compensation rates for limited access vessels in open areas fishing under days-at-sea (DAS) is 0.12 DAS per DAS fished. For access area trips, the compensation rate is 225 lb (102 kg), in addition to the vessel's possession limit for the trip for each day or part of a day an observer is onboard. LAGC IFQ vessels may possess an additional 225 lb (102 kg) per trip in open areas when carrying an observer. NMFS may adjust the compensation rate throughout the fishing year, depending on how quickly the fleets are using the set aside. The Council may adjust the 2019 observer set-aside when it develops specific, non-default measures for 2019.

Open Area Days-at-Sea (DAS) Allocations

This action implements vessel-specific DAS allocations for each of the three limited access scallop DAS permit categories (*i.e.,* full-time, part-time, and occasional) for 2018 and 2019 (Table 2). Framework 29 sets 2019 DAS allocations at 75 percent of fishing year 2018 DAS allocations as a precautionary measure. This is to avoid over-allocating DAS to the fleet in the event that the 2019 specifications action is delayed

past the start of the 2019 fishing year. The allocations in Table 2 exclude any DAS deductions that are required if the limited access scallop fleet exceeded its 2017 sub-ACL.

TABLE 2—SCALLOP OPEN AREA DAS ALLOCATIONS FOR 2018 AND 2019

Permit category	2018	2019 (default)
Full-Time	24.00	18.00
Part-Time	9.60	7.20
Occasional	2.00	1.5

Limited Access Allocations and Trip Possession Limits for Scallop Access Areas

For fishing year 2018 and the start of 2019, Framework 29 keeps the Mid-Atlantic Access Area (MAAA) open as an access area and includes what is now the Elephant Trunk Flex Rotational Area as part of the MAAA. Framework 29 also reverts some areas previously managed in scallop rotational management program back to open areas. These areas include the Delmarva portion of the MAAA, the Nantucket Lightship Extension, and the Closed Area 2 Extension. Vessels will still be able to access these areas while fishing in the open area. In addition, this action closes the northern portion of Nantucket Lightship, but it allocates trips into the southern portion of Nantucket Lightship in an area referred to as Nantucket Lightship—South (NLS–S). Further, this action allocates effort into new access areas (Closed Area I (CA1) and Nantucket Lightship—West (NLS–W)) that became available to scallop fishing through the Omnibus Essential Fish Habitat Amendment 2 (Omnibus Habitat Amendment). We published a final rule for the Omnibus Habitat Amendment on April 9, 2018 (83 FR 15240). This rule made areas that are now contained in CA1 and NLS–W available to scallop fishing.

Table 3 provides the limited access full-time allocations for all of the access areas, which could be taken in as many trips as needed, so long as the vessels do not exceed the possession limit (also in Table 3) on each trip.

TABLE 3—SCALLOP ACCESS AREA FULL-TIME LIMITED ACCESS VESSEL POUNDAGE ALLOCATIONS AND TRIP POSSESSION LIMITS FOR 2018 AND 2019

Rotational access area	Scallop possession limit	2018 Scallop allocation	2019 Scallop allocation (default)
Closed Area 1	18,000 lb (8,165 kg) per trip	18,000 lb (8,165 kg)	0 lb (0 kg).
Nantucket Lightship—South		18,000 lb (8,165 kg)	0 lb (0 kg).
Nantucket Lightship—West		36,000 lb (16,329 kg)	0 lb (0 kg).
Mid-Atlantic		36,000 lb (16,329 kg)	18,000 lb (8,165 kg).
Total		108,000 lb (48,988 kg)	18,000 lb (8,165 kg).

Table 4 provides the limited access part-time allocations for three of the access areas, which could be taken in as many trips as needed, so long as the vessels do not exceed the possession limit (also in Table 4) on each trip. There is no part-time allocation in NLS–S.

TABLE 4—SCALLOP ACCESS AREA PART-TIME LIMITED ACCESS VESSEL POUNDAGE ALLOCATIONS AND TRIP POSSESSION LIMITS FOR 2018 AND 2019

Rotational access area	Scallop possession limit	2018 Scallop allocation	2019 Scallop allocation (default)
Closed Area 1	14,400 lb (6,532 kg) per trip	14,400 lb (6,532 kg)	0 lb (0 kg).
Nantucket Lightship—West		14,400 lb (6,532 kg)	0 lb (0 kg).
Mid-Atlantic		14,400 lb (6,532 kg)	14,400 lb (6,532 kg).
Total		43,200 lb (19,595 kg)	14,400 lb (6,532 kg).

For the 2018 fishing year, an occasional limited access vessel is allocated 9,000 lb (4,082 kg) of scallops with a trip possession limit of 9,000 lb of scallops per trip (4,082 kg per trip). Occasional vessels are able to harvest the 9,000-lb (4,082-kg) allocation from only one of three available access areas (CA1, NLS–W, or MAAA). There is no occasional vessel allocation for NLS–S. For the 2019 fishing year, occasional limited access vessels are allocated 9,000 lb (4,082 kg) in the MAAA only with a trip possession limit of 9,000 lb per trip (4,082 kg per trip).

Limited Access Vessels' One-for-One Area Access Allocation Exchanges

The owner of a vessel issued a limited access scallop permit may exchange unharvested scallop pounds allocated into one access area for another vessel's unharvested scallop pounds allocated into another access area. These exchanges may only be made for the amount of the current trip possession limit (*i.e.,* 18,000 lb (8,165 kg)). In addition, these exchanges may only be made between vessels in the same permit category. For example, a full-time vessel may not exchange allocations with a part-time vessel, and vice versa.

Limited Access Unharvested Closed Area I Allocation From Fishing Years 2012 and 2013

Framework Adjustment 25 to the Scallop FMP (79 FR 34251; June 16, 2014) allowed unharvested pounds associated with fishing years 2012 and 2013 CA1 trips to be harvested by those vessels in CA1 when it reopens in the future. 1,638,604 lb (743,258 kg) of CA1 allocation went unharvested from fishing years 2012 and 2013, distributed across 130 permits. Using the dealer records and broken trip data, Framework 29 allocates this unharvested allocation to those permits in fishing year 2018. All amounts of outstanding limited access unharvested CA1 allocation will be made available in addition to fishing year 2018 allocations to that access area. For example, if a full-time limited access vessel has 2,000 lb (907 kg) of unharvested 2012/2013 CA1 allocation, and the CA1 trip limit is 18,000 lbs (8,165 kg), the vessel would be able to land a total of 20,000 lb (9,072 kg) from CA1 in fishing year 2018. There will be no change to specified trip limits through Framework 29, *i.e.,* vessels must still abide by the 18,000-lb (8,165-kg) per trip limit. Therefore, the vessel would have to harvest its allocation in multiple trips (*e.g.,* two 10,000-lb trips). Unharvested 2012/2013 CA1 allocation may only be harvested from CA1. Once allocated for the 2018 fishing year, these allocations will not be eligible to carry over into future years (*i.e.,* available only for fishing year 2018, plus the first 60 days of fishing year 2019). This additional harvest in CA1 is not included in the fishing year 2018 APL established in Framework 29, because this catch is specific to those vessels that have unharvested 2012/2013 CA1 allocation and is not applicable to the entire fleet. However, the additional scallops harvested from CA1 will not cause the limited access fleet to exceed its ACT, because the APL is far below the ACT.

Nantucket Lightship Hatchet Scallop Rotational Area

The Omnibus Habitat Amendment makes available to scallop vessels several areas that were previously closed to the scallop fishery. However, these areas remain closed to scallop fishing until they are opened by a scallop action. The bulk of these areas are encompassed in the NLS–W and CA1 Rotational Areas, which Framework 29 opens to scallop fishing. Framework 29 does not open the area west and north of NLS–W (Table 5). We are calling this area the ''Nantucket Lightship Hatchet Scallop Rotational Area,'' and it remains closed to help minimize flounder bycatch due to uncertainty about catch rates in the area.

TABLE 5—NANTUCKET LIGHTSHIP HATCHET SCALLOP ROTATIONAL AREA

Point	N latitude	W longitude
NLSH1	40°50′	69°30′
NLSH2	40°43.44′	69°30′
NLSH3	40°43.44′	70°
NLSH4	40°20′	70°
NLSH5	40°20′	70°20′
NLSH6	40°50′	70°20′
NLSH7	40°50′	69°30′

Adjustments to Flatfish Accountability Measures

This action adjusts the scallop fleet's accountability measures for two different flatfish stocks (Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder and Georges Bank yellowtail flounder) and develops an accountability measure for northern windowpane flounder. This action changes the existing Georges Bank yellowtail flounder and the SNE/MA yellowtail flounder accountability measures from closed areas to gear restricted areas, and it develops a gear restricted area accountability measure for northern windowpane flounder.

For SNE/MA yellowtail flounder, this action adopts the same gear restricted area that is already in place for southern windowpane flounder, *i.e.,* the area west of 71° W long. and creates the Mid-Atlantic Accountability Measure Area. For Georges Bank yellowtail flounder and northern windowpane flounder, this action creates the Georges Bank Accountability Measure Area (Table 6).

TABLE 6—GEORGES BANK ACCOUNTABILITY MEASURE AREA

Point	N latitude	W longitude	Note
GBAM1	41°30′	67°20′	.....
GBAM2	41°30′	(1)	(2)
GBAM3	40°30′	(3)	(2)
GBAM4	40°30′	67°20′	.....
GBAM1	41°30′	67°20′	.....

[1] The intersection of 41°30′ N lat. and the U.S.-Canada Maritime Boundary, approximately 41°30′ N lat., 66°34.73′ W long.
[2] From Point GBAM2 connected to Point GBAM3 along the U.S.-Canada Maritime Boundary.
[3] The intersection of 40°30′ N lat. and the U.S.-Canada Maritime Boundary, approximately, 65°44.34′ W long.

When the fleet is subject to any of the flatfish accountability measures in a gear restricted area, vessels will be required to fish with scallop dredge gear that conforms to the following restrictions already in place for the southern windowpane flounder accountability measure:

(1) No more than 5 rows of rings in the apron of the dredge;

(2) A maximum hanging ratio of 1.5 meshes per 1 ring overall; and

(3) A prohibition on the use of trawl gear.

For Georges Bank yellowtail flounder, this action changes the existing accountability measure to a requirement to use the accountability measure gear in the Georges Bank Accountability Measure Area. The requirement to use this gear in the area would remain in effect for the period of time based on the corresponding percent overage of the Georges Bank yellowtail flounder sub-ACL, as follows:

TABLE 7—GEORGES BANK YELLOWTAIL FLOUNDER ACCOUNTABILITY MEASURE DURATION

Percent overage of sub-ACL	Duration of gear restriction
20 or less	November 15 through December 31.
Greater than 20.	April through March (year round).

For northern windowpane flounder, this action creates an accountability measure that requires the use of the accountability measure gear in the Georges Bank Accountability Measure Area. The requirement to use this gear in the area would remain in effect for the period of time based on the corresponding percent overage of the northern windowpane flounder sub-ACL, as follows:

TABLE 8—NORTHERN WINDOWPANE FLOUNDER ACCOUNTABILITY MEASURE DURATION

Percent overage of sub-ACL	Duration of gear restriction
20 or less	November 15 through December 31.
Greater than 20.	April through March (year round).

For SNE/MA yellowtail flounder, this action changes the existing accountability measure to a requirement to use the accountability measure gear in the Mid-Atlantic Accountability Measure Area. The requirement to use this gear in the area would remain in effect for the period of time based on the corresponding percent overage of the SNE/MA yellowtail flounder sub-ACL, as follows:

TABLE 9—SNE/MA YELLOWTAIL FLOUNDER ACCOUNTABILITY MEASURE DURATION

Percent overage of sub-ACL	Duration of gear restriction
20 or less	April.
Greater than 20.	April through May.

LAGC Measures

1. ACL and IFQ Allocation for LAGC Vessels with IFQ Permits. For LAGC vessels with IFQ permits, this action implements a 2,245-mt ACL for 2018 and a default ACL of 2,238 mt for 2019 (see Table 1). These sub-ACLs, which have no other associated regulatory or management requirements, provide a ceiling on overall landings by the LAGC IFQ fleet with a payback requirement the next fishing year. If the fleet were to reach this ceiling, any overages would be deducted from the following year's sub-ACL. The annual allocation to the LAGC IFQ-only fleet for fishing years 2018 and 2019 are 1,273 mt for 2018 and 955 mt for 2019 (see Table 1). Each vessel's IFQ is calculated from these allocations based on APL.

2. ACL and IFQ Allocation for Limited Access Scallop Vessels with IFQ Permits. For limited access scallop vessels with IFQ permits, this action implements a 225-mt ACL for 2018 and a default 224-mt ACL for 2019 (see Table 1). These sub-ACLs, which have no associated regulatory or management requirements, provide a ceiling on overall landings by this fleet with a payback provision for next fishing year. If the fleet were to reach this ceiling any overages would be deducted from the following year's sub-ACL. The annual allocation to limited access vessels with IFQ permits for fishing years are 127 mt for 2018 and 95 mt for 2019 (see Table 1). Each vessel's IFQ is calculated from these allocations based on APL.

3. LAGC IFQ Trip Allocations for Scallop Access Areas. Framework 29 allocates LAGC IFQ vessels a fleetwide number of trips in the CA1, NLS–S, NLS–W, and MAAA for fishing year 2018 trips and default fishing year 2019 trips in the MAAA (see Table 10). The total number of trips for all areas combined (3,426) for fishing year 2018 is equivalent to the 5.5 percent of total catch from access areas.

TABLE 10—FISHING YEARS 2018 AND 2019 LAGC IFQ TRIP ALLOCATIONS FOR SCALLOP ACCESS AREAS

Access area	2018	2019 (Default)
CA1	571	.....
NLS–S	571	.....
NLS–W	1,142	.....
MAAA	1,142	571
Total ...	3,426	571

4. Scallop Incidental Catch Target TAC. This action implements a 50,000-lb (22,680-kg) scallop incidental catch target TAC for fishing years 2018 and 2019 to account for mortality from vessels that catch scallops while fishing for other species, and to ensure that fishing mortality targets are not exceeded. The Council and NMFS may adjust this target TAC in a future action if vessels catch more scallops under the incidental target TAC than predicted.

Research Set-Aside Harvest Restrictions

This action allows all vessels participating in RSA projects to harvest RSA compensation from all available access areas and the open area. A vessel is prohibited from fishing for RSA compensation in the NGOM unless the vessel is fishing an RSA compensation trip using NGOM RSA allocation that was awarded to an RSA project, as described in the separate rule for the NGOM portions of Framework 29. In addition, Framework 29 prohibits the harvest of RSA from any access areas under default 2019 measures. At the start of 2019, RSA compensation can only be harvested from open areas. The Council will re-evaluate this measure in the action that would set final 2019 specifications.

Regulatory Corrections Under Regional Administrator Authority

This final rule includes three revisions to address regulatory text that is unnecessary, outdated, or unclear. These revisions are being implemented consistent with section 305(d) of the Magnuson-Stevens Act, which provides authority to the Secretary of Commerce to promulgate regulations necessary to ensure that amendments to an FMP are carried out in accordance with the FMP and the Magnuson-Stevens Act. The first revision, at § 648.10(f)(4), clarifies that scallop vessels no longer need to send in daily catch reports through their vessel monitoring system for trips less than 24 hours because these reports are no longer useful for monitoring purposes. The second revision, at § 648.11(g)(2)(ii), removes the limitation that an LAGC IFQ could be selected for observer coverage no more than twice in a given week. This revision is necessary because, due to an update to our pre-trip notification system, we will no longer be able to accommodate the limit of two trips per week. Because of the change, vessels may be selected more than twice in a given week, but we expect that this would be a very rare occurrence. The final revision, at § 648.14(i)(4)(ii)(A) and (B), is a correction to the regulations that should have been made as part of Framework Adjustment 28 to the Scallop FMP (82 FR 15155; March 27, 2017). This correction clarifies that owners of IFQ vessels cannot have an ownership interest in vessels that collectively are allocated more than 5 percent of the total IFQ scallop APL, and that they may not have an IFQ allocation on an IFQ scallop vessel of more than 2.5 percent of the total IFQ scallop APL.

Changes From Proposed Rule to Final Rule

We added prohibitions at § 648.14(i)(4)(v) and (vi) to clarify that the flatfish accountability measures also apply to the LAGC IFQ fleet. We changed § 648.53(d) and (h)(2)(v) to update the carryover provisions and clarify that the scallop fishing year ends in March. We included changes to the regulatory text in the § 648.64(b) to describe the area west of 71° W Long. as the Mid-Atlantic Accountability Measure Area. We more formally described this area for consistency between the accountability measure areas. This led to citation changes throughout § 648.64 and in § 648.14(i)(2)(ix) and (x). We changed § 648.64(c)(3) to clarify that vessels may not use trawl gear in any of the accountability measure gear restricted areas. We included changes to § 648.14(i)(3)(v)(E) to remove unnecessary references to the Elephant Trunk Flex and Closed Area 2 Extension Scallop Rotational Areas, which are now part of the open area. Finally, we included changes to the Closed Area 1 boundary at § 648.60(c) to correct an error in the proposed rule.

This rule also includes three minor revisions to address errors in the published regulatory text for the Omnibus Essential Fish Habitat Amendment (83 FR 15240; April 9, 2016). Regulatory text in § 648.58 was issued in error; that section should have been removed in the final rule because we did not approve measures in Closed Area II on Georges Bank. Therefore, § 648.58 is removed and reserved in this final rule. The coordinates for the Western Gulf of Maine Closure Area (§ 648.81(a)(4)) and the Restricted Gear Area II (§ 648.81(f)(4)) were incorrect and this final rule issues the correct coordinates for these two areas.

Comments and Responses

We received two comments on the proposed rule during the public comment period: one that was unrelated to the proposed measures, as it was focused on worldwide air pollution; and one comment letter from the Fisheries Survival Fund (FSF) in support of the action. We are not addressing the unrelated comment in this final rule. FSF represents a majority of the limited access scallop fleet. The FSF comment letter is generally supportive of Framework 29, but raises three issues regarding implementation, as described and discussed below.

Comment 1: FSF encourages NMFS to implement Framework 29 as soon as possible because the fleet is operating under default measures. FSF contends that operating under default measures presents difficulties for the fleet and associated shore-side entities regarding business planning. FSF notes that measures implemented through Amendment 19 to the Scallop FMP (81 FR 76516; November 3, 2016), which changed the start of the fishing year to April 1 and established a mechanism to speed up the approval and implementation of annual measures, should prevent us from delaying past April 1.

Response: FSF correctly points out that the intent of Amendment 19 was to ''increase the likelihood that NMFS will be able to implement simple specifications actions at the start of the scallop fishing year on a more consistent basis.'' While we agree that a simple specifications action should be implemented by the beginning of the fishing year, there were several extenuating circumstances regarding Framework 29 as a whole that pushed it beyond the scope of a simple specifications action. Prior to its approval of Framework 29 at its December meeting, the Council raised concerns that the complexity of Framework 29 could jeopardize efforts to meet the timeline for implementation in the NGOM. Specifically, the Council was concerned that if the NGOM measures in Framework 29 were not in place by April 1, 2018, the limited access fleet could exceed its portion of the total allowable catch proposed in Framework 29, potentially undermining the sustainability of the NGOM fishery in the short term. To help prevent excessive fishing in the NGOM, we separated out and expedited implementation of the NGOM measures in Framework 29.

Framework 29 contains other measures that are beyond the scope of a simple specifications setting action. Specifically, Framework 29 adjusts the scallop fleet's accountability measures for two different flatfish stocks and develops an accountability measure for a third stock. In addition, to accommodate the industry's preference for adopting measures for this framework that would be dependent on NMFS' approval of the Omnibus Habitat Amendment, the Council developed four different specifications scenarios in Framework 29 accounting for all the possible approval outcomes of the Omnibus Habitat Amendment. This considerably increased the complexity of Framework 29. Further, because the final preferred alternatives were dependent on NMFS' decision on the Omnibus Habitat Amendment, the Council and NMFS had to delay the development of the EA and the proposed rule, respectively, to incorporate the relevant analyses and regulations into the final documents for this action. Because the fishing season has already opened, we intend to waive the 30-day delay in the date of effectiveness required under the Administrative Procedures Act, so that this final rule will be effective upon the date of publication (see the Classification section below). This should help ease any burden on business planning activities in the industry resulting from implementation of this action after the opening of the fishing season.

Comment 2: FSF commented that it supports the approach to rotational area management in Framework 29. Specifically, it supports focusing fishing effort in areas for biological and economic reasons and a more targeted approach to habitat protection.

Response: NMFS also supports the Council's approach to rotational area management within the limitations of the FMP. The intent of area rotation is to increase meat yield and yield-per-recruit and to minimize collateral adverse impacts on other fisheries and the marine environment. Area rotation is limited to those areas available to the scallop fleet; habitat closed areas or areas closed to scallop fishing under other FMPs are not available.

Comment 3: FSF commented that the benefits derived from work by the Council and NMFS on Framework 29 and the Omnibus Habitat Amendment will be in vain if renewable energy planning by other Federal agencies creates large-scale closed areas in ways that are not carefully coordinated with the Scallop FMP's spatial management structure.

Response: The New England and Mid-Atlantic Fishery Management Councils have each passed motions to write letters to the Secretary of the Interior and the Secretary of Commerce urging the Federal government to consider impacts on fisheries when developing wind energy projects. NMFS and both Councils are providing data and science to inform the Bureau of Ocean Energy Management (BOEM) of the Department of the Interior as it develops renewable energy areas. NMFS will continue to provide information and will coordinate with BOEM as appropriate. Both Councils will be commenting on BOEM proceedings regarding renewable energy areas off the east coast as they develop.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined

that this final rule is consistent with the FMP, other provisions of the Magnuson-Stevens Act, the Endangered Species Act, and other applicable law.

OMB has determined that this rule is not significant pursuant to E.O. 12866.

This final rule does not contain policies with federalism or ''takings'' implications, as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

This action does not contain any collection-of-information requirements subject the Paperwork Reduction Act (PRA).

The Assistant Administrator for Fisheries has determined that the need to implement the measures of this rule in an expedited manner are necessary to achieve conservation objectives for the scallop fishery and certain fish stocks, and to relieve other restrictions on the scallop fleet. This final rule relieves restriction and constitutes good cause, under authority contained in 5 U.S.C. 553(d)(1) and (3), to waive the 30-day delay in the date of effectiveness and to make the Framework 29 measures in this final rule effective on the date of publication in the **Federal Register**.

Framework 29 could not have been put into place any sooner. The information and data necessary for the Council to develop the framework and forward it to NMFS was not available in time for this action to be implemented by either April 1, 2018, the beginning of the scallop fishing year, or by 30 days prior to April 1. NMFS published the proposed rule as quickly as possible after receiving Framework 29 from the Council. We received the final submission of the EA from the Council on March 14, 2018, and published the proposed rule on March 15, 2018, with a comment period closing on March 30, 2018. We are publishing this final rule as quickly as possible after the close of the comment period.

Because Framework 29 had not yet been approved and implemented on April 1, 2018, certain default measures, including access area designations, DAS, IFQ, RSA, and observer set-aside allocations that were developed in Framework Adjustment 28 to the Scallop FMP (82 FR 15155; March 27, 2017) have already been put into place automatically. These default allocations were purposely set to be more conservative than what would eventually be implemented under Framework 29. Under the default measures, each full-time vessel has 21.75 DAS and one access area trip for 18,000 lb (8,165 kg) in the MAAA. In contrast, this final action provides full-time vessels with an additional 2.25 DAS (24 DAS total) and 90,000 lb (40,823 kg) in access area allocation (108,000 lb (48,988 kg) total). Further, LAGC IFQ vessels will receive an additional 554 mt (1,400 mt total) of allocation and 2,855 access area trips spread out across 4 access areas (3,426 trips total). Accordingly, this action relieves the more restrictive aspects of the default measures already in place. Thus, we have cause to waive the 30-day delay in the date of effectiveness under 553(d)(1), because this final rule effectively relieves the restrictions of the more conservative default allocations. Delaying the implementation of this action for 30 days would delay positive economic benefits to the scallop fleet and could negatively impact the access area rotation program by delaying fishing in access areas that will become available under this final rule. This final rule contains no new measures that implement additional burdens on the fleet, and we do not expect that any members of the scallop industry will be aggrieved by waiving this delay. Therefore, the Assistant Administrator for Fisheries has concluded that we have good cause under 5 U.S.C. 553(d)(3), and has waived the 30-day delay in the date of effectiveness requirement of 5 U.S.C. 553(d).

Pursuant to section 604 of the Regulatory Flexibility Act (RFA), NMFS has completed a final regulatory flexibility analysis (FRFA) in support of Framework 29. The FRFA incorporates the IRFA, a summary of the significant issues raised by the public comments in response to the IRFA, NMFS responses to those comments, a summary of the analyses completed in the Framework 29 EA, and the preamble to this final rule. A summary of the IRFA was published in the proposed rule for this action and is not repeated here. A description of why this action was considered, the objectives of, and the legal basis for this rule is contained in Framework 29 and in the preambles to the proposed rule and this final rule, and is not repeated here. All of the documents that constitute the FRFA are available from NMFS and/or the Council, and a copy of the IRFA, the Regulatory Impact Review (RIR), and the EA are available upon request (see **ADDRESSES**).

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

There were no specific comments on the IRFA.

Description and Estimate of Number of Small Entities to Which the Rule Would Apply

These regulations affect all vessels with limited access and LAGC scallop permits, but there is no differential effect based on whether the affected entities are small or large. Framework 29 provides extensive information on the number and size of vessels and small businesses that are affected by the regulations, by port and state (see **ADDRESSES**). Fishing year 2016 data were used for this analysis because these data are the most recent complete data set for a fishing year. There were 313 vessels that obtained full-time limited access permits in 2016, including 250 dredge, 52 small-dredge, and 11 scallop trawl permits. In the same year, there were also 34 part-time limited access permits in the sea scallop fishery. No vessels were issued occasional scallop permits. NMFS issued 225 LAGC IFQ permits in 2016, and 125 of these vessels actively fished for scallops that year. The remaining permit holders likely leased out scallop IFQ allocations with their permits in Confirmation of Permit History. In 2016, there were 27 NGOM vessels that actively fished.

For RFA purposes, NMFS defines a small business in shellfish fishery as a firm that is independently owned and operated with receipts of less than $11 million annually (see 50 CFR 200.2). Individually-permitted vessels may hold permits for several fisheries, harvesting species of fish that are regulated by several different fishery management plans, even beyond those impacted by this proposed rule. Furthermore, multiple permitted vessels and/or permits may be owned by entities with various personal and business affiliations. For the purposes of this analysis, ''ownership entities'' are defined as those entities with common ownership as listed on the permit application. Only permits with identical ownership are categorized as an ''ownership entity.'' For example, if five permits have the same seven persons listed as co-owners on their permit applications, those seven persons would form one ''ownership entity,'' that holds those five permits. If two of those seven owners also co-own additional vessels, that ownership arrangement would be considered a separate ''ownership entity'' for the purpose of this analysis.

On June 1 of each year, ownership entities are identified based on a list of all permits for the most recent complete calendar year. The current ownership dataset is based on the calendar year 2016 permits and contains average gross

sales associated with those permits for calendar years 2014 through 2016. Matching the potentially impacted 2016 fishing year permits described above (limited access permits and LAGC IFQ permits) to calendar year 2016 ownership data results in 161 distinct ownership entities for the limited access fleet and 115 distinct ownership entities for the LAGC IFQ fleet. Of these, and based on the Small Business Administration guidelines, 154 of the limited access distinct ownership entities and 113 of the LAGC IFQ entities are categorized as small. The remaining seven limited access and two LAGC IFQ entities are categorized as large. There were 27 distinct small business entities with NGOM permits and active NGOM vessels based on 2016 permits.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Final Rule

This action contains no new collection-of-information, reporting, or recordkeeping requirements.

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

During the development of Framework 29, NMFS and the Council considered ways to reduce the regulatory burden on, and provide flexibility for, the regulated entities in this action. For instance, Framework 29 contains consistent gear restricted areas for three of the scallop fleet's flatfish accountability measures. This provides flexibility to the fleet compared to a closed area because it allows vessels to continue fishing with the accountability measure gear when an accountability measure is in effect. In addition, this action develops consistent gear restricted areas for each region (*i.e.,* Georges Bank and Mid-Atlantic) to reduce confusion and regulatory burden on the fleet. Alternatives to the measures in this final rule are described in detail in Framework 29, which includes an EA, RIR, and IRFA (see **ADDRESSES**). The measures implemented by this final rule minimize the long-term economic impacts on small entities to the extent practicable. The only alternatives for the prescribed catch limits that were analyzed were those that met the legal requirements to implement effective conservation measures. Specifically, catch limits must be derived using SSC—approved scientific calculations based on the Scallop FMP. Moreover, the limited number of alternatives available for this action must also be evaluated in the context of an ever-changing fishery management plan, as the Council has considered numerous alternatives to mitigating measures every fishing year in amendments and frameworks since the establishment of the FMP in 1982.

Overall, this rule minimizes adverse long-term impacts by ensuring that management measures and catch limits result in sustainable fishing mortality rates that promote stock rebuilding, and as a result, maximize optimal yield. The measures implemented by this final rule also provide additional flexibility for fishing operations in the short-term.

Small Entity Compliance Guide

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 will publish one or more guides to assist small entities in complying with the rule, and will designate such publications as ''small entity compliance guides.'' The agency will 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, and the guide (*i.e.,* permit holder letter) will be sent to all holders of permits for the scallop fishery. The guide and this final rule will be available upon request.

List of Subjects 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: April 13, 2018.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEAST UNITED STATES

Subpart A—General Provisions

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.11, revise paragraph (g)(2)(ii) to read as follows:

§ 648.11 At-sea sea sampler/observer coverage.

* * * * *

(g) * * *

(2) * * *

(ii) *LAGC IFQ vessels.* LAGC IFQ vessel owners, operators, or managers must notify the NMFS/NEFOP by telephone by 0001 hr of the Thursday preceding the week (Sunday through Saturday) that they intend to start any open area or access area scallop trip and must include the port of departure, open area or specific Sea Scallop Access Area to be fished, and whether fishing as a scallop dredge, scallop trawl vessel. NMFS/NEFOP must be notified by the owner, operator, or vessel manager of any trip plan changes at least 48 hr prior to vessel departure.

* * * * *

■ 3. In § 648.14:

■ a. Revise paragraphs (i)(1)(vi)(A); (i)(2)(vi)(B) and (C); and (i)(2)(ix);

■ b. Add paragraph (i)(2)(x);

■ c. Revise paragraphs (i)(3)(v)(E) and (i)(4)(ii)(A) and (B); and

■ d. Add paragraphs (i)(4)(v) and (vi).

The revisions and additions read as follows:

§ 648.14 Prohibitions.

* * * * *

(i) * * *

(1) * * *

(vi) * * *

(A) *Habitat Management Areas.* (*1*) Fish for scallops in, or possess or land scallops from, the Habitat Management Areas specified in § 648.370.

(*2*) Transit or enter the Habitat Management Areas specified in § 648.370, except as provided by § 648.61(b).

* * * * *

(2) * * *

(vi) * * *

(B) Transit the Closed Area II Scallop Rotational Area, as defined in § 648.60(d), unless there is a compelling safety reason for transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2.

(C) Fish for, possess, or land scallops in or from an access area in excess of the vessel's remaining specific allocation for that area as specified in § 648.59(b)(3) or the amount permitted to be landed from that area.

* * * * *

(ix) Fish for scallops in the Mid-Atlantic Accountability Measure Area, described in § 648.64(b)(2) with gear that does not meet the specifications described in § 648.64(c) during the period specified in the notice announcing the Southern New England/Mid-Atlantic Yellowtail Flounder or the Southern Windowpane Flounder Gear Restricted Area described in § 648.64(e) and (g), respectively.

(x) Fish for scallops in the Georges Bank Accountability Measure Area described in § 648.64(b)(1), with gear that does not meet the specifications described in § 648.64(c) during the period specified in the notice announcing the Georges Bank Yellowtail Flounder or the Northern Windowpane Flounder Gear Restricted Area described in § 648.64(d) and (f), respectively.

* * * * *

(3) * * *

(v) * * *

(E) Transit the Closed Area II Scallop Rotational Area, as defined in § 648.60 (d), unless there is a compelling safety reason for transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2.

* * * * *

(4) * * *

(ii) * * *

(A) Have an ownership interest in vessels that collectively are allocated more than 5 percent of the total IFQ scallop APL as specified in § 648.53(a)(8).

(B) Have an IFQ allocation on an IFQ scallop vessel of more than 2.5 percent of the total IFQ scallop APL as specified in § 648.53(a)(8).

* * * * *

(v) Fish for scallops in the Mid-Atlantic Accountability Measure Area, described in § 648.64(b)(2) with gear that does not meet the specifications described in § 648.64(c) during the period specified in the notice announcing the Southern New England/Mid-Atlantic Yellowtail Flounder or the Southern Windowpane Flounder Gear Restricted Area described in § 648.64(e) and (g), respectively.

(vi) Fish for scallops in the Georges Bank Accountability Measure Area described in § 648.64(b)(1), with gear that does not meet the specifications described in § 648.64(c) during the period specified in the notice announcing the Georges Bank Yellowtail Flounder or the Northern Windowpane Flounder Gear Restricted Area described in § 648.64(d) and (f), respectively.

* * * * *

Subpart D—Management Measures for the Atlantic Sea Scallop Fishery

■ 4. In § 648.53 revise paragraphs (a)(8), (b)(3), (c) introductory text, (d), and (h)(2)(v) to read as follows:

§ 648.53 Overfishing limit (OFL), acceptable biological catch (ABC), annual catch limits (ACL), annual catch targets (ACT), annual projected landings (APL), DAS allocations, and individual fishing quotas (IFQ).

(a) * * *

(8) The following catch limits will be effective for the 2018 and 2019 fishing years:

SCALLOP FISHERY CATCH LIMITS

Catch limits	2018 (mt)	2019 (mt) [1]
Overfishing Limit	72,055	69,633
Acceptable Biological Catch/ACL (discards removed)	45,950	45,805
Incidental Catch	23	23
Research Set-Aside (RSA)	567	567
Observer Set-Aside	460	458
ACL for fishery	44,900	44,757
Limited Access ACL	42,431	42,295
LAGC Total ACL	2,470	2,462
LAGC IFQ ACL (5 percent of ACL)	2,245	2,238
Limited Access with LAGC IFQ ACL (0.5 percent of ACL)	225	224
Limited Access ACT	37,964	37,843
Closed Area 1 Unharvested Allocation [3]	743	n/a
APL	25,451	([1])
Limited Access Projected Landings (94.5 percent of APL)	24,051	([1])
Total IFQ Annual Allocation (5.5 percent of APL) [2]	1,400	1,050
LAGC IFQ Annual Allocation (5 percent of APL) [2]	1,273	955
Limited Access with LAGC IFQ Annual Allocation (0.5 percent of APL) [2]	127	95

[1] The catch limits for the 2019 fishing year are subject to change through a future specifications action or framework adjustment. This includes the setting of an APL for 2019 that will be based on the 2018 annual scallop surveys. The 2019 default allocations for the limited access component are defined for DAS in paragraph (b)(3) of this section and for access areas in § 648.59(b)(3)(i)(B).

[2] As a precautionary measure, the 2019 IFQ annual allocations are set at 75 percent of the 2018 IFQ Annual Allocations.

[3] One-time allocation in 2018 of unharvested Limited Access allocations to Closed Area I from fishing years 2012 and 2013.

(b) * * *

(3) The DAS allocations for limited access scallop vessels for fishing years 2018 and 2019 are as follows:

SCALLOP OPEN AREA DAS ALLOCATIONS

Permit category	2018	2019 [1]
Full-Time	24.00	18.00
Part-Time	9.60	7.20

SCALLOP OPEN AREA DAS ALLOCATIONS—Continued

Permit category	2018	2019 [1]
Occasional	2.00	1.5

[1] The DAS allocations for the 2019 fishing year are subject to change through a future specifications action or framework adjustment. The 2019 DAS allocations are set at 75 percent of the 2018 allocation as a precautionary measure.

(c) *Accountability measures (AM) for limited access vessels.* Unless the limited access AM exception is implemented in accordance with the provision specified in paragraph (c)(1) of this section, if the limited access sub-ACL defined in paragraph (a)(5) of this section is exceeded for the applicable fishing year, the DAS for each limited access vessel shall be reduced by an amount equal to the amount of landings in excess of the sub-ACL divided by the applicable LPUE for the fishing year in which the AM will apply as projected by the specifications or framework adjustment process specified in § 648.55, then divided by the number of scallop vessels eligible to be issued a full-time limited access scallop permit.

For example, assuming a 300,000-lb (136-mt) overage of the limited access fishery's sub-ACL in Year 1, an open area LPUE of 2,500 lb (1.13 mt) per DAS in Year 2, and 313 full-time vessels, each full-time vessel's DAS for Year 2 would be reduced by 0.38 DAS (300,000 lb (136 mt)/2,500 lb (1.13 mt) per DAS = 120 lb (0.05 mt) per DAS/313 vessels = 0.38 DAS per vessel). Deductions in DAS for part-time and occasional scallop vessels shall be 40 percent and 8.33 percent of the full-time DAS deduction, respectively, as calculated pursuant to paragraph (b)(2) of this section. The AM shall take effect in the fishing year following the fishing year in which the overage occurred. For example, landings in excess of the limited access fishery's sub-ACL in Year 1 would result in the DAS reduction AM in Year 2. If the AM takes effect, and a limited access vessel uses more open area DAS in the fishing year in which the AM is applied, the vessel shall have the DAS used in excess of the allocation after applying the AM deducted from its open area DAS allocation in the subsequent fishing year. For example, a vessel initially allocated 32 DAS in Year 1 uses all 32 DAS prior to application of the AM. If, after application of the AM, the vessel's DAS allocation is reduced to 31 DAS, the vessel's DAS in Year 2 would be reduced by 1 DAS.

* * * * *

(d) *End-of-year carry-over for open area DAS.* With the exception of vessels that held a Confirmation of Permit History as described in § 648.4(a)(2)(i)(J) for the entire fishing year preceding the carry-over year, limited access vessels that have unused open area DAS on the last day of March of any year may carry over a maximum of 10 DAS, not to exceed the total open area DAS allocation by permit category, into the next year. DAS carried over into the next fishing year may only be used in open areas. Carry-over DAS are accounted for in setting the sub-ACT for the limited access fleet, as defined in paragraph (a)(5)(ii) of this section. Therefore, if carry-over DAS result or contribute to an overage of the ACL, the limited access fleet AM specified in paragraph (c) of this section would still apply, provided the AM exception specified in paragraph (c)(1) of this section is not invoked.

* * * * *

(h) * * *

(2) * * *

(v) *End-of-year carry-over for IFQ.* (A) With the exception of vessels that held a Confirmation of Permit History as described in § 648.4(a)(2)(ii)(L) for the entire fishing year preceding the carry-over year, LAGC IFQ vessels that have unused IFQ on the last day of March of any year may carry over up to 15 percent of the vessel's original IFQ plus the total of IFQ transferred to such vessel minus the total IFQ transferred from such vessel (either temporary or permanent) IFQ into the next fishing year. For example, a vessel with a 10,000-lb (4,536-kg) IFQ and 5,000-lb (2,268-kg) of leased IFQ may carry over 2,250 lb (1,020 kg) of IFQ (*i.e.,* 15 percent of 15,000 lb (6,804 kg)) into the next fishing year if it landed 12,750 lb (5,783 kg) (*i.e.,* 85 percent of 15,000 lb (6,804 kg)) of scallops or less in the preceding fishing year. Using the same IFQ values from the example, if the vessel landed 14,000 lb (6,350 kg) of scallops, it could carry over 1,000 lb (454 kg) of scallops into the next fishing year.

* * * * *

§ 648.58 [Removed and Reserved]

■ 5. Remove and reserve § 648.58.

■ 6. In § 648.59, revise paragraphs (a) introductory text, (a)(2) and (3), (b)(3)(i)(B), and (b)(3)(ii), (c), (e), and (g)(3)(v) 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, Habitat Management Areas specified in § 648.370, 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.

* * * * *

(2) *Transiting a Closed Scallop Rotational Area.* No vessel possessing scallops may enter or be in the area(s) specified in this section when those areas are closed, as specified through the specifications or framework adjustment processes defined in § 648.55, unless the vessel is transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2, or there is a compelling safety reason to be in such areas without such gear being stowed. A vessel may only transit the Closed Area II Scallop Rotational Area, as defined in § 648.60(d), if there is a compelling safety reason for transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2.

(3) *Transiting a Scallop Access Area.* Any sea scallop vessel that has not declared a trip into the Scallop Area Access Program may enter a Scallop Access Area, and possess scallops not caught in the Scallop Access Areas, for transiting purposes only, provided the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2. Any scallop vessel that has declared a trip into the Scallop Area Access Program may not enter or be in another Scallop Access Area on the same trip except such vessel may transit another Scallop Access Area provided its gear is stowed and not available for immediate use as defined in § 648.2, or there is a compelling safety reason to be in such areas without such gear being stowed. A vessel may only transit the Closed Area II Scallop Rotational Area, as defined in § 648.60(d), if there is a compelling safety reason for transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2.

(b) * * *

(3) * * *

(i) * * *

(B) The following access area allocations and possession limits for limited access vessels shall be effective for the 2018 and 2019 fishing years:

(*1*) *Full-time vessels*—For a full-time limited access vessel, the possession limit and allocations are:

Rotational access area	Scallop possession limit	2018 Scallop allocation	2019 Scallop allocation (default)
Closed Area 1	18,000 lb (8,165 kg) per trip	18,000 lb (8,165 kg)	0 lb (0 kg).
Nantucket Lightship—South		18,000 lb (8,165 kg)	0 lb (0 kg).
Nantucket Lightship—West		36,000 lb (16,329 kg)	0 lb (0 kg).
Mid-Atlantic		36,000 lb (16,329 kg)	18,000 lb (8,165 kg).
Total	.....	108,000 lb (48,988 kg)	18,000 lb (8,165 kg).

(*2*) *Part-time vessels*—For a part-time limited access vessel, the possession limit and allocations are as follows:

Rotational access area	Scallop possession limit	2018 Scallop allocation	2019 Scallop allocation (default)
Closed Area 1	14,400 lb (6,532 kg) per trip	14,400 lb (6,532 kg)	0 lb (0 kg).
Nantucket Lightship West		14,400 lb (6,532 kg)	0 lb (0 kg).
Mid-Atlantic		14,400 lb (6,532 kg)	14,400 lb (6,532 kg).
Total	.....	43,200 lb (19,595 kg)	14,400 lb (6,532 kg).

(*3*) *Occasional vessels.* (*i*) For the 2018 fishing year only, an occasional limited access vessel is allocated 9,000 lb (4,082 kg) of scallops with a trip possession limit at 9,000 lb of scallops per trip (4,082 kg per trip). Occasional vessels may harvest the 9,000 lb (4,082 kg) allocation from only one available access area (Closed Area 1, Nantucket Lightship-West, Nantucket Lightship-South, or Mid-Atlantic).

(*ii*) For the 2019 fishing year, occasional limited access vessels are allocated 9,000 lb (4,082 kg) of scallops in the Mid-Atlantic Access Area only with a trip possession limit of 9,000 lb of scallops per trip (4,082 kg per trip).

(ii) *Limited access vessels' one-for-one area access allocation exchanges.* The owner of a vessel issued a limited access scallop permit may exchange unharvested scallop pounds allocated into one access area for another vessel's unharvested scallop pounds allocated into another Scallop Access Area. These exchanges may only be made for the amount of the current trip possession limit, as specified in paragraph (b)(3)(i)(B) of this section. For example, if the access area trip possession limit for full-time vessels is 18,000 lb (8,165 kg), a full-time vessel may exchange no more or less than 18,000 lb (8,165 kg), from one access area for no more or less than 18,000 lb (8,165 kg) allocated to another vessel for another access area. In addition, these exchanges may be made only between vessels with the same permit category: A full-time vessel may not exchange allocations with a part-time vessel, and vice versa. Vessel owners must request these exchanges by submitting a completed Access Area Allocation Exchange Form at least 15 days before the date on which the applicant desires the exchange to be effective. Exchange forms are available from the Regional Administrator upon request. Each vessel owner involved in an exchange is required to submit a completed Access Area Allocation Form. The Regional Administrator shall review the records for each vessel to confirm that each vessel has enough unharvested allocation remaining in a given access area to exchange. The exchange is not effective until the vessel owner(s) receive a confirmation in writing from the Regional Administrator that the allocation exchange has been made effective. A vessel owner may exchange equal allocations up to the current possession limit between two or more vessels under his/her ownership. A vessel owner holding a Confirmation of Permit History is not eligible to exchange allocations between another vessel and the vessel for which a Confirmation of Permit History has been issued.

* * * * *

(c) *Scallop Access Area scallop allocation carryover.* With the exception of vessels that held a Confirmation of Permit History as described in § 648.4(a)(2)(i)(J) for the entire fishing year preceding the carry-over year, a limited access scallop vessel operator may fish any unharvested Scallop Access Area allocation from a given fishing year within the first 60 days of the subsequent fishing year if the Scallop Access Area is open, unless otherwise specified in this section. For example, if a full-time vessel has 7,000 lb (3,175 kg) remaining in the Mid-Atlantic Access Area at the end of fishing year 2017, that vessel may harvest 7,000 lb (3,175 kg) from its 2018 fishing year scallop access area allocation during the first 60 days that the Mid-Atlantic Access Area is open in fishing year 2018 (April 1, 2018, through May 30, 2018).

* * * * *

(e) *Sea Scallop Research Set-Aside Harvest in Scallop Access Areas.* Unless otherwise specified, RSA may be harvested in any access area that is open in a given fishing year, as specified through a specifications action or framework adjustment and pursuant to § 648.56. The amount of scallops that can be harvested in each access area by vessels participating in approved RSA projects shall be determined through the RSA application review and approval process. The access areas open for RSA harvest for fishing years 2018 and 2019 are:

(1) 2018: Closed Area 1, Nantucket Lightship-West, Nantucket Lightship-South, and Mid-Atlantic.

(2) 2019: No access areas.

* * * * *

(g) * * *

(3) * * *

(v) The following LAGC IFQ access area allocations will be effective for the 2018 and 2019 fishing years:

Scallop access area	2018	2019 [1]
Closed Area 1	571	0
Nantucket Lightship-South	571	0
Nantucket Lightship-West	1,142	0
Mid-Atlantic	1,142	571
Total	3,237	571

[1] The LAGC IFQ access area trip allocations for the 2019 fishing year are subject to change through a future specifications action or framework adjustment.

* * * * *

■ 7. In § 648.60:
■ a. Revise paragraphs (a)(1);
■ b. Remove and reserve paragraph (a)(2);
■ c. Revise paragraph (a)(3);
■ d. Remove and reserve paragraph (b);
■ e. Revise paragraphs (c), (e), and (f); and
■ f. Add paragraphs (g) and (h).

The revisions and additions read as follows:

§ 648.60 Sea Scallop Rotational Areas.

(a) *Mid-Atlantic Scallop Rotational Area.* (1) The Mid-Atlantic Scallop Rotational Area is comprised of the following scallop access areas: The Elephant Trunk Scallop Rotational Area, as defined in paragraph (a)(3) of this section; and the Hudson Canyon Scallop Rotational Area, as defined in paragraph (a)(4) of this section.

* * * * *

(3) *Elephant Trunk Scallop Rotational Area.* The Elephant Trunk 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):

Point	N latitude	W longitude
ETAA1	38°50′	74°20′
ETAA2	38°10′	74°20′
ETAA3	38°10′	73°30′
ETAA4	38°50′	73°30′
ETAA1	38°50′	74°20′

* * * * *

(c) *Closed Area I Scallop Rotational Area.* 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):

Point	N latitude	W longitude
CAIA1	41°30′	68°30′
CAIA2	40°58′	68°30′
CAIA3	40°54.95′	68°53.37′
CAIA4	41°04′	69°01′
CAIA5	41°30′	69°23′
CAIA1	41°30′	68°30′

* * * * *

(e) *Nantucket Lightship South Scallop Rotational Area.* The Nantucket Lightship South 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):

Point	N latitude	W longitude
NLSS1	40°20′	69°30′
NLSS2	40°33′	69°30′
NLSS3	40°33′	69°00′
NLSS4	40°20′	69°00′
NLSS1	40°20′	69°30′

(f) *Nantucket Lightship West Scallop Rotational Area.* The Nantucket Lightship West 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):

Point	N latitude	W longitude
NLSW1	40°20′	70°00′
NLSW2	40°43.44′	70°00′
NLSW3	40°43.44′	69°30′
NLSW4	40°20′	69°30′
NLSW5	40°20′	70°00′

(g) *Nantucket Lightship North Scallop Rotational Area.* The Nantucket Lightship North 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):

Point	N latitude	W longitude
NLSN1	40°50′	69°30′
NLSH2	40°50′	69°00′
NLSN3	40°33′	69°00′
NLSN4	40°33′	69°30′
NLSN1	40°50′	69°30′

(h) *Nantucket Lightship Hatchet Scallop Rotational Area.* The Nantucket Lightship Hatchet 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):

Point	N latitude	W longitude
NLSH1	40°50′	69°30′
NLSH2	40°43.44′	69°30′
NLSH3	40°43.44′	70°
NLSH4	40°20′	70°
NLSH5	40°20′	70°20′
NLSH6	40°50′	70°20′
NLSH7	40°50′	69°30′

§ 648.61 [Removed and Reserved]

■ 8. Remove and reserve § 648.61.

■ 9. Revise § 648.64 to read as follows:

§ 648.64 Flounder Stock sub-ACLs and AMs for the scallop fishery.

(a) As specified in § 648.55(d), and pursuant to the biennial framework adjustment process specified in § 648.90, the scallop fishery shall be allocated a sub-ACL for the Georges Bank and Southern New England/Mid-Atlantic stocks of yellowtail flounder and the northern and southern stocks of windowpane flounder. The sub-ACLs for the yellowtail flounder stocks and the windowpane flounder stocks are specified in § 648.90(a)(4)(iii)(C) and (E) of the NE multispecies regulations, respectively.

(b) *Accountability Measure Areas*—(1) *Georges Bank Accountability Measure Area.* The Georges Bank Accountability Measure Area is defined by straight lines, except where noted, connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	N latitude	W longitude	Note
GBAM1	41°30′	67°20′	

Point	N latitude	W longitude	Note
GBAM2	41°30′	(1)	(2)
GBAM3	40°30′	(3)	(2)
GBAM4	40°30′	67°20′	
GBAM1	41°30′	67°20′	

[1] The intersection of 41°30′ N lat. and the U.S.-Canada Maritime Boundary, approximately 41°30′ N lat., 66°34.73′ W long.
[2] From Point GBAM2 connected to Point GBAM3 along the U.S.-Canada Maritime Boundary.
[3] The intersection of 40°30′ N lat. and the U.S.-Canada Maritime Boundary, approximately, 65°44.34′ W long.

(2) *Mid-Atlantic Accountability Measure Area.* The Mid-Atlantic Accountability Measure Areas is defined as the area west of 71° W Long., outside of the Sea Scallop Access Areas.

(c) *Gear restriction.* When subject to an accountability measure gear restricted area as described in paragraphs (d) through (g) of this section, a vessel must fish with scallop dredge gear that conforms to the following restrictions:

(1) No more than 5 rows of rings shall be used in the apron of the dredge. The apron is on the top side of the dredge, extends the full width of the dredge, and is the rows of dredge rings that extend from the back edge of the twine top (*i.e.,* farthest from the dredge frame) to the clubstick; and

(2) The maximum hanging ratio for a net, net material, or any other material on the top of a scallop dredge (twine top) possessed or used by vessels fishing with scallop dredge gear does not exceed 1.5 meshes per 1 ring overall. This means that the twine top is attached to the rings in a pattern of alternating 2 meshes per ring and 1 mesh per ring (counted at the bottom where the twine top connects to the apron), for an overall average of 1.5 meshes per ring for the entire width of the twine top. For example, an apron that is 40 rings wide subtracting 5 rings one each side of the side pieces, yielding 30 rings, would only be able to use a twine top with 45 or fewer meshes so that the overall ratio of meshes to rings did not exceed 1.5 (45 meshes/30 rings = 1.5).

(3) Vessels may not fish for scallops with trawl gear when the gear restricted area accountability measure is in effect.

(d) *Georges Bank Yellowtail Flounder Accountability measure.* (1) Unless otherwise specified in § 648.90(a)(5)(iv) of the NE multispecies regulations, if the Georges Bank yellowtail flounder sub-ACL for the scallop fishery is exceeded and an accountability measure is triggered as described in § 648.90(a)(5)(iv), the Georges Bank Accountability Measure Area, described in paragraph (b)(1) of this section, shall be considered the Georges Bank Yellowtail Flounder Gear Restricted Area. Scallop vessels fishing in that area for the period of time specified in paragraph (d)(2) of this section must comply with the gear restrictions specified in paragraph (c) of this section.

(2) *Duration of gear restricted area.* The Georges Bank Yellowtail Flounder Gear Restricted Area shall remain in effect for the period of time based on the corresponding percent overage of the Georges Bank yellowtail flounder sub-ACL, as follows:

Percent overage of sub-ACL	Duration of gear restriction
20 or less	November 15 through December 31.
Greater than 20	April through March (year round).

(e) *SNE/MA yellowtail flounder accountability measure.* (1) Unless otherwise specified in § 648.90(a)(5)(iv) of the NE multispecies regulations, if the SNE/MA yellowtail flounder sub-ACL for the scallop fishery is exceeded and an accountability measure is triggered as described in § 648.90(a)(5)(iv), the Mid-Atlantic Accountability Measure Area, described in paragraph (b)(2) of this section, shall be considered the SNE/MA Yellowtail Flounder Gear Restricted Area. Scallop vessels participating in the DAS, or LAGC IFQ scallop fishery for the period of time specified in paragraph (e)(2) of this section must comply with the gear restrictions specified in paragraph (c) of this section when fishing in open areas. This accountability measure does not apply to scallop vessels fishing in Sea Scallop Access Areas.

(2) *Duration of gear restricted area.* The SNE/MA Yellowtail Flounder Gear Restricted Area shall remain in effect for the period of time based on the corresponding percent overage of the SNE/MA yellowtail flounder sub-ACL, as follows:

Percent overage of sub-ACL	Duration of gear restriction
20 or less	April.
Greater than 20	April through May.

(f) *Northern windowpane flounder accountability measure.* (1) Unless otherwise specified in § 648.90(a)(5)(iv) of the NE multispecies regulations, if the Northern windowpane flounder sub-ACL for the scallop fishery is exceeded and an accountability measure is triggered as described in § 648.90(a)(5)(iv), the Georges Bank Accountability Measure Area, described in (b)(1) of this section, shall be considered the Northern Windowpane Flounder Gear Restricted Area. Scallop vessels fishing in that area for the period of time specified in paragraph (f)(2) of this section must comply with the gear restrictions specified in paragraph (c) of this section.

(2) *Duration of gear restricted area.* The Northern Windowpane Flounder Gear Restricted Area shall remain in effect for the period of time based on the corresponding percent overage of the Georges Bank yellowtail flounder sub-ACL, as follows:

Percent overage of sub-ACL	Duration of gear restriction
20 or less	November 15 through December 31.
Greater than 20	April through March (year round).

(g) *Southern windowpane accountability measure.* (1) Unless otherwise specified in § 648.90(a)(5)(iv) of the NE multispecies regulations, if the southern windowpane flounder sub-ACL for the scallop fishery is exceeded and an accountability measure is triggered as described in § 648.90(a)(5)(iv), the Mid-Atlantic Accountability Measure Area, described in paragraph (b)(2) of this section, shall be considered the Southern Windowpane Flounder Gear Restricted Area. Scallop vessels participating in the DAS, or LAGC IFQ scallop fishery for the period of time specified in paragraph (g)(2) of this section must comply with the gear restrictions specified in paragraph (c) of this section when fishing in open areas. This accountability measure does not apply to scallop vessels fishing in Sea Scallop Access Areas.

(2) *Duration of gear restricted area.* The SNE/MA Windowpane Flounder Gear Restricted Area shall remain in effect for the period of time based on the corresponding percent overage of the

SNE/MA windowpane flounder sub-ACL, as follows:

Percent overage of sub-ACL	Duration of gear restriction
20 or less	February.
Greater than 20	March and February.

(h) *Process for implementing the AM*—(1) *If there is reliable information to make a mid-year determination,* that a flounder stock sub-ACL was exceeded, or is projected to be exceeded, the Regional Administrator shall determine, on or about January 15 of each year whether an accountability measure should be triggered as described in § 648.90(a)(5)(iv). The determination shall include the amount of the overage or projected amount of the overage, specified as a percentage of the overall sub-ACL for the specific flounder stock. Based on this determination, the Regional Administrator shall implement the AM in the following fishing year in accordance with the APA and attempt to notify owners of limited access and LAGC scallop vessels by letter identifying the length of the gear restricted area and a summary of the catch, overage, and projection that resulted in the gear restricted area.

(2) *If reliable information is not available to make a mid-year determination,* after the end of the scallop fishing year the Regional Administrator shall determine whether the flounder stock sub-ACL was exceeded and if an accountability measure was triggered as described in § 648.90(a)(5)(iv). The determination shall include the amount of the overage, specified as a percentage of the overall sub-ACL for the specific flounder stock. Based on this determination, the Regional Administrator shall implement the AM in accordance with the APA in Year 3 (*e.g.,* an accountability measure would be implemented in fishing year 2016 for an overage that occurred in fishing year 2014) and attempt to notify owners of limited access and LAGC scallop vessels by letter identifying the length of the gear restricted area and a summary of flounder stock catch and overage information.

§ 648.65 [Removed and Reserved]

■ 10. Remove and reserve § 648.65

Subpart F—Management Measures for the NE Multispecies and Monkfish Fisheries

■ 11. In § 648.81, revise paragraphs (a)(4) and (f)(4) to read as follows:

§ 648.81 NE multispecies year-round and seasonal closed areas.

(a) * * *

(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 latitude	W longitude
WGM1	43°15′	70°15′
WGM2	42°15′	70°15′
WGM3	42°15′	70°00′
WGM4	43°15′	70°00′
WGM1	43°15′	70°15′

* * * * *

(f) * * *

(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	N latitude	W longitude	Note
AA	40°02.75′	70°16.10′	(*)
EB	39°59.30′	70°14.00′	(*)
EC	39°58.85′	70°15.20′	
ED	39°59.30′	70°18.40′	
EE	39°58.10′	70°19.40′	
EF	39°57.00′	70°19.85′	
EG	39°57.55′	70°21.25′	
EH	39°57.50′	70°22.80′	
EI	39°57.10′	70°25.40′	
EJ	39°57.65′	70°27.05′	
EK	39°58.58′	70°27.70′	
EL	40°00.65′	70°28.80′	
EM	40°02.20′	70°29.15′	
EN	40°01.00′	70°30.20′	
EO	39°58.58′	70°31.85′	
EP	39°57.05′	70°34.35′	
EQ	39°56.42′	70°36.80′	
ER	39°58.15′	70°48.00′	
ES	39°58.30′	70°51.10′	
ET	39°58.10′	70°52.25′	
EU	39°58.05′	70°53.55′	
EV	39°58.40′	70°59.60′	
EW	39°59.80′	71°01.05′	
EX	39°58.20′	71°05.85′	
EY	39°57.45′	71°12.15′	
EZ	39°57.20′	71°15.00′	
FA	39°56.30′	71°18.95′	
FB	39°51.40′	71°36.10′	
FC	39°51.75′	71°41.50′	
FD	39°50.05′	71°42.50′	
FE	39°50.00′	71°45.00′	
FF	39°48.95′	71°46.05′	
FG	39°46.60′	71°46.10′	
FH	39°43.50′	71°49.40′	
FI	39°41.30′	71°55.00′	
FJ	39°39.00′	71°55.60′	

Point	N latitude	W longitude	Note
FK	39°36.72′	71°58.25′	
FL	39°35.15′	71°58.55′	
FM	39°34.50′	72°00.75′	
FN	39°32.20′	72°02.25′	
FO	39°32.15′	72°04.10′	
FP	39°28.50′	72°06.50′	
FQ	39°29.00′	72°09.25′	
FR	39°29.75′	72°09.80′	(*)
FS	39°32.65′	72°06.10′	(*)
FT	39°35.45′	72°02.00′	(*)
FU	39°41.15′	71°57.10′	(*)
FV	39°46.95′	71°49.00′	(*)
FW	39°53.10′	71°42.70′	(*)
FX	39°52.60′	71°40.35′	(*)
FY	39°53.10′	71°36.10′	(*)
FZ	39°57.50′	71°20.60′	(*)
GA	40°00.70′	71°19.80′	(*)
GB	39°59.30′	71°18.40′	(*)
GC	40°02.00′	71°01.30′	(*)
GD	40°00.50′	70°57.60′	(*)
GE	40°00.10′	70°45.10′	(*)
GF	39°58.90′	70°38.65′	(*)
GG	39°59.15′	70°34.45′	(*)
GH	40°00.55′	70°32.10′	(*)
GI	40°03.85′	70°28.75′	(*)
GJ	39°59.75′	70°25.50′	(*)
GK	39°59.80′	70°21.75′	(*)
GL	40°00.70′	70°18.60′	(*)
AA	40°02.75′	70°16.10′	(*)

* * * * *

[FR Doc. 2018–08150 Filed 4–18–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 170919912–8358–02]

RIN 0648–BH26

Fisheries of the Northeastern United States; Scup Fishery; Framework Adjustment 12

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

ACTION: Final rule.

SUMMARY: NMFS is modifying the commercial scup quota periods, as recommended by the Mid-Atlantic Fishery Management Council. This action moves the month of October from the Summer Period to the Winter II Period. This rule is intended to increase fishing opportunities by extending the Winter II Period when possession limits are higher.

DATES: Effective May 21, 2018.

ADDRESSES: Copies of the Scup Commercial Quota Period Modification Framework, including the environmental assessment (EA), are available on request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. These documents are also accessible via the internet at *http://www.mafmc.org/s/Scup_quota_period_FW_EA_resubmission2_Feb2018.pdf.*

FOR FURTHER INFORMATION CONTACT: Emily Gilbert, Fishery Policy Analyst, (978) 281–9244.

SUPPLEMENTARY INFORMATION:

General Background

Scup (*Stenotomus chrysops*) is managed jointly by the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission through the Summer Flounder, Scup, Black Sea Bass Fishery Management Plan (FMP). The management unit for scup is U.S. waters of the Atlantic Ocean from 35°13.3′ N lat. (the latitude of Cape Hatteras Lighthouse, Buxton, NC) northward to the U.S./Canada border. The scup stock is not overfished and it is not experiencing overfishing.

Currently, the scup commercial quota is broken into three periods: Winter I (January 1 through April 30) receives 45.11 percent of the annual quota; Summer (May 1 through October 31) receives 38.95 percent; and Winter II (November 1 through December 31) receives an initial 15.94 percent with any unused Winter I quota rolled over into Winter II. Federal trip limits are imposed during the two Winter Periods; individual states impose landing restrictions during the Summer Period. The Council established these quota periods in 1997 to recognize that there are two commercial fishing fleets (62 FR 27978; May 22, 1997). Larger vessels harvest scup offshore during the winter months, and smaller vessels harvest scup inshore during the summer. Without the quota periods and Federal trip limits, the larger vessels would be able to fish the full annual quota early in the year, leaving no quota for the smaller inshore fleet.

The scup stock was declared rebuilt in 2009 based on the findings of a stock assessment. The commercial scup quota nearly doubled between 2010 and 2011. From 2011 to 2016, commercial scup landings have been 20 to 47 percent below the annual commercial quota. Stakeholders have stated that the more restrictive state-imposed possession limits during the Summer Period, compared to the Winter I and II Periods, have prevented fishermen from landing high volumes of scup when they are available. This limits the ability of the fishery to achieve the annual commercial quota and results in forgone yield.

Final Action

To address these limits on the ability of the fishery to achieve the annual

commercial quota, this action moves the month of October from the Summer Period to the Winter II Period (Table 1). This action allows more landings at higher possession limits during longer periods of time. This change is effective for 2018 and is expected to have positive socioeconomic impacts compared to maintaining the status quo quota periods. This action does not change the possession limits or the amount of quota allocated annually to each period.

TABLE 1—REVISED COMMERCIAL QUOTA PERIOD DATES. PERCENT SHARES AND POSSESSION LIMITS REMAIN UNCHANGED

Quota period	Percent share	Dates	Federal possession limits (per trip)	
			lb	kg
Winter I	45.11	January 1–April 30	50,000	22,680.
Summer	38.95	May 1–September 30	N/A	N/A.
Winter II	15.94	October 1–December 31	12,000 (initial)	5,443.
Total	100.0	N/A	N/A	N/A.

Comments and Responses

On February 26, 2018, NMFS published the proposed rule (83 FR 8236) for this action for public notice and comment. NMFS received two relevant comments on the proposed rule. Both offered support of this modification. One suggested that we also consider including the month of May in the Winter I Period. The Council did consider moving the first two weeks of May to the Winter I period but ultimately voted not to include it. No public support for this option was offered when the Council took final action. The other commenter mentioned the Council should adjust the quota allocated to each period. This was beyond the scope of this action, but it could be considered in a future amendment, should the Council desire to revise the quota period allocations. No changes are made to this action based on these comments.

Changes From the Proposed Rule

NMFS is correcting the title of this action to be Framework Adjustment 12, rather than Framework Adjustment 10.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the Assistant Administrator has determined that this final rule is consistent with the Summer Flounder, Scup, and Black Sea Bass FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification, and the initial certification remains unchanged. As a result, a final regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: April 16, 2018.

Samuel D. Rauch, III,

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

For the reasons set out 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. In § 648.122, paragraph (c)(1) is revised to read as follows:

§ 648.122 Scup specifications.

* * * * *

(c) * * *

(1) The annual commercial quota will be allocated into three periods, based on the following percentages:

Period	Percent
Winter I—January–April	45.11
Summer—May–September	38.95
Winter II—October–December	15.94

* * * * *

■ 3. In § 648.123, paragraph (a)(2)(ii) is revised to read as follows:

§ 648.123 Scup accountability measures.

(a) * * *

(2) * * *

(ii) For the Winter I and Summer quota periods, landings in excess of the allocation will be deducted from the appropriate quota period for the following year in the final rule that establishes the annual quota. The overage deduction will be based on landings for the current year through September 30 and on landings for the previous calendar year that were not included when the overage deduction was made in the final rule that established the period quotas for the current year. If the Regional Administrator determines during the fishing year that any part of an overage deduction was based on erroneous landings data that were in excess of actual landings for the period concerned, he/she will restore the overage that was deducted in error to the appropriate quota allocation. The Regional Administrator will publish notification in the **Federal Register** announcing the restoration.

* * * * *

■ 4. In § 648.125, paragraphs (a)(1) and (a)(5) are revised to read as follows:

§ 648.125 Scup gear restrictions.

(a) * * *

(1) *Minimum mesh size.* No owner or operator of an otter trawl vessel that is issued a scup moratorium permit may possess more than 1,000 lb (454 kg) of scup from October 1 through April 30, or more than 200 lb (91 kg) of scup from May 1 through September 30, unless fishing with nets that have a minimum mesh size of 5.0-inch (12.7-cm) diamond mesh, applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net, and all other nets are stowed and not available for immediate use as defined in § 648.2.

* * * * *

(5) *Stowage of nets.* The owner or operator of an otter trawl vessel

retaining 1,000 lb (454 kg) or more of scup from October 1 through April 30, or 200 lb (90.7 kg) or more of scup from May 1 through September 30, and subject to the minimum mesh requirements in paragraph (a)(1) of this section, and the owner or operator of a midwater trawl or other trawl vessel subject to the minimum size requirement in § 648.126, may not have available for immediate use any net, or any piece of net, not meeting the minimum mesh size requirement, or mesh that is rigged in a manner that is inconsistent with the minimum mesh size. A net that is stowed and not available for immediate use as defined in § 648.2, and that can be shown not to have been in recent use, is considered to be not available for immediate use.

* * * * *

[FR Doc. 2018–08208 Filed 4–18–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 76
Thursday, April 19, 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 THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 6

[Docket ID OCC–2018–0002]

RIN 1557–AE35

FEDERAL RESERVE SYSTEM

12 CFR Parts 208, 217, and 252

[Docket No. R–1604]

RIN 7100 AF–03

Regulatory Capital Rules: Regulatory Capital, Enhanced Supplementary Leverage Ratio Standards for U.S. Global Systemically Important Bank Holding Companies and Certain of Their Subsidiary Insured Depository Institutions; Total Loss-Absorbing Capacity Requirements for U.S. Global Systemically Important Bank Holding Companies

AGENCY: Office of the Comptroller of the Currency, Treasury, and the Board of Governors of the Federal Reserve System.

ACTION: Joint notice of proposed rulemaking.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) and the Office of the Comptroller of the Currency (OCC) are seeking comment on a proposal that would modify the enhanced supplementary leverage ratio standards for U.S. top-tier bank holding companies identified as global systemically important bank holding companies, or GSIBs, and certain of their insured depository institution subsidiaries. Specifically, the proposal would modify the current 2 percent leverage buffer, which applies to each GSIB, to equal 50 percent of the firm's GSIB risk-based capital surcharge. The proposal also would require a Board- or OCC-regulated insured depository institution subsidiary of a GSIB to maintain a supplementary leverage ratio of at least 3 percent plus 50 percent of the GSIB risk-based surcharge applicable to its top-tier holding company in order to be deemed ''well capitalized'' under the Board's and the OCC's prompt corrective action rules. Consistent with this approach to establishing enhanced supplementary leverage ratio standards for insured depository institutions, the OCC is proposing to revise the methodology it uses to identify which national banks and Federal savings associations are subject to the enhanced supplementary leverage ratio standards to ensure that they apply only to those national banks and Federal savings associations that are subsidiaries of a Board-identified GSIB. The Board also is seeking comment on a proposal to make conforming modifications to the GSIB leverage buffer of the Board's total loss-absorbing capacity and long-term debt requirements and other minor amendments to the buffer levels, covered intermediate holding company conformance period, methodology for calculating the covered intermediate holding company long-term debt amount, and external total loss-absorbing capacity risk-weighted buffer.

DATES: Comments must be received by May 21, 2018.

ADDRESSES: Comments should be directed to:

OCC: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments through the Federal eRulemaking Portal or email, if possible. Please use the title ''Regulatory Capital Rules: Regulatory Capital, Enhanced Supplementary Leverage Ratio Standards for U.S. Global Systemically Important Bank Holding Companies and their Subsidiary Insured Depository Institutions'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—''Regulations.gov'':* Go to *www.regulations.gov.* Enter ''Docket ID OCC–2018–0002'' in the Search Box and click ''Search.'' Click on ''Comment Now'' to submit public comments.
- Click on the ''Help'' tab on the *Regulations.gov* home page to get information on using *Regulations.gov*, including instructions for submitting public comments.
- *Email: regs.comments@occ.treas.gov.*
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW, suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''Docket ID OCC–2018–0002'' in your comment. In general, the OCC will enter all comments received into the docket and publish them on the *Regulations.gov* website without change, including any business or personal information that you provide such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this rulemaking action by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.regulations.gov.* Enter ''Docket ID OCC–2018–0002'' in the Search box and click ''Search.'' Click on ''Open Docket Folder'' on the right side of the screen and then ''Comments.'' Comments can be filtered by clicking on ''View All'' and then using the filtering tools on the left side of the screen.
- Click on the ''Help'' tab on the *Regulations.gov* home page to get information on using *Regulations.gov*. Supporting materials may be viewed by clicking on ''Open Docket Folder'' and then clicking on ''Supporting Documents.'' The docket may be viewed after the close of the comment period in the same manner as during the comment period.
- *Viewing Comments Personally:* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW, Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be

required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

Board: You may submit comments, identified by Docket No. R–1604 and RIN 7100 AF–03, by any of the following methods:

- *Agency website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Email: regs.comments@federalreserve.gov.* Include docket number and RIN in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551. All public comments are available from the Board's website at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons or to remove sensitive PII at the commenter's request. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street NW (between 18th and 19th Streets NW), Washington, DC 20006 between 9 a.m. and 5 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT:

OCC: Venus Fan, Risk Expert (202) 649–6514, Capital and Regulatory Policy; or Carl Kaminski, Special Counsel; Allison Hester-Haddad, Counsel, or Christopher Rafferty, Attorney, Legislative and Regulatory Activities Division, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

Board: Constance M. Horsley, Deputy Associate Director, (202) 452–5239; Elizabeth MacDonald, Manager, (202) 475–6316, Holly Kirkpatrick, Supervisory Financial Analyst, (202) 452–2796, or Noah Cuttler, Senior Financial Analyst (202) 912–4678, Capital and Regulatory Policy, Division of Banking Supervision and Regulation; or Benjamin W. McDonough, Assistant General Counsel, (202) 452–2036; David Alexander, Counsel, (202) 452–2877, Greg Frischmann, Counsel, (202) 452–2803, Mark Buresh, Senior Attorney, (202) 452–5270, or Mary Watkins, Attorney, (202) 452–3722, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Background

A. Post-Crisis Reforms

In 2013, the Board of Governors of the Federal Reserve System (Board), the Office of the Comptroller of the Currency (OCC), and the Federal Deposit Insurance Corporation (FDIC) (together, the agencies) adopted a revised regulatory capital rule (capital rule) to address weaknesses that became apparent during the financial crisis of 2007–08.[1] The capital rule strengthened the capital requirements applicable to banking organizations [2] supervised by the agencies by improving both the quality and quantity of regulatory capital and increasing the risk-sensitivity of the agencies' capital requirements.[3] The capital rule requires banking organizations to maintain a minimum leverage ratio of 4 percent, measured as the ratio of a banking organization's tier 1 capital to its average total consolidated assets. For a banking organization that meets the capital rule's criteria for being considered an advanced approaches banking organization, the agencies also established a minimum supplementary leverage ratio of 3 percent, measured as the ratio of a firm's tier 1 capital to its total leverage exposure.[4] The supplementary leverage ratio strengthens the capital requirements for advanced approaches banking organizations by including in the definition of total leverage exposure many off-balance sheet exposures in addition to on-balance sheet assets.

In 2014, the agencies adopted a final rule that established enhanced supplementary leverage ratio (eSLR) standards for the largest, most interconnected U.S. bank holding companies (eSLR rule) in order to strengthen the overall regulatory capital framework in the United States.[5] The eSLR rule, as adopted in 2014, applied to U.S. top-tier bank holding companies with consolidated assets over $700 billion or more than $10 trillion in assets under custody, and insured depository institution (IDI) subsidiaries of holding companies that meet those thresholds.

The eSLR rule requires the largest, most interconnected U.S. top-tier bank holding companies to maintain a supplementary leverage ratio greater than 3 percent plus a leverage buffer of 2 percent to avoid limitations on the firm's distributions and certain discretionary bonus payments.[6] The eSLR rule also provides that any IDI subsidiary of those bank holding companies must maintain a 6 percent supplementary leverage ratio to be deemed ''well capitalized'' under the prompt corrective action (PCA) framework of each agency (collectively, the eSLR standards).[7]

Subsequently, in 2015, the Board adopted a final rule establishing a methodology for identifying a firm as a global systemically important bank holding company (GSIB) and applying a risk-based capital surcharge on such an institution (GSIB surcharge rule).[8] Under the GSIB surcharge rule, a U.S. top-tier bank holding company that is not a subsidiary of a foreign banking organization and that is an advanced approaches banking organization must determine whether it is a GSIB by applying a multifactor methodology based on size, interconnectedness, substitutability, complexity, and cross-jurisdictional activity.[9] As part of the

[1] The Board and the OCC issued a joint final rule on October 11, 2013 (78 FR 62018), and the FDIC issued a substantially identical interim final rule on September 10, 2013 (78 FR 55340). In April 2014, the FDIC adopted the interim final rule as a final rule with no substantive changes. 79 FR 20754 (April 14, 2014).

[2] Banking organizations subject to the agencies' capital rule include national banks, state member banks, insured state nonmember banks, savings associations, and top-tier bank holding companies and savings and loan holding companies domiciled in the United States, but exclude banking organizations subject to the Board's Small Bank Holding Company Policy Statement (12 CFR part 225, appendix C), and certain savings and loan holding companies that are substantially engaged in insurance underwriting or commercial activities or that are estate trusts, and bank holding companies and savings and loan holding companies that are employee stock ownership plans.

[3] 12 CFR part 3 (OCC); 12 CFR part 217 (Board); 12 CFR part 324 (FDIC).

[4] A banking organization is an advanced approaches banking organization if it has consolidated assets of at least $250 billion or if it has consolidated on-balance sheet foreign exposures of at least $10 billion, or if it is a subsidiary of a depository institution, bank holding company, savings and loan holding company, or intermediate holding company that is an advanced approaches banking organization. *See* 78 FR 62018, 62204 (October 11, 2013), 78 FR 55340, 55523 (September 10, 2013).

[5] *See* 79 FR 24528 (May 1, 2014).

[6] The leverage buffer in the eSLR rule follows the same general mechanics and structure as the capital conservation buffer that applies to all banking organizations subject to the capital rule. Specifically, similar to the capital conservation buffer, a GSIB that maintains a leverage buffer of more than 2 percent of its total leverage exposure would not be subject to limitations on its distributions and certain discretionary bonus payments. If the GSIB maintains a leverage buffer of 2 percent or less, it would be subject to increasingly stricter limitations on such payouts. *See* 12 CFR 217.11(a).

[7] *See* 12 CFR part 6 (national banks) and 12 CFR part 165 (Federal savings associations) (OCC), and 12 CFR part 208, subpart D (Board).

[8] 12 CFR 217.402; 80 FR 49082 (August 14, 2015).

[9] 12 CFR part 217, subpart H. The methodology provides a tool for identifying as GSIBs those banking organizations that pose elevated risks.

GSIB surcharge rule, the Board revised the application of the eSLR standards to apply to any bank holding company identified as a GSIB and to each Board-regulated IDI subsidiary of a GSIB.[10]

The OCC's current eSLR rule applies to national banks and Federal savings associations that are subsidiaries of U.S. top-tier bank holding companies with more than $700 billion in total consolidated assets or more than $10 trillion total in assets under custody.

B. Review of Reforms

Post-crisis regulatory reforms, including the capital rule, the eSLR rule, and the Board's GSIB surcharge rule, were designed to improve the safety and soundness and reduce the probability of failure of banking organizations, as well as to reduce the consequences to the financial system if such a failure were to occur. For large banking organizations in particular, the Board's and the OCC's objective has been to establish capital and other prudential requirements at a level that not only promotes resilience at the banking organization and protects financial stability, but also maximizes long-term through-the-cycle credit availability and economic growth. In reviewing the post-crisis reforms both individually and collectively, the Board and the OCC have sought comment on ways to streamline and tailor the regulatory framework, while ensuring that such firms have adequate capital to continue to act as financial intermediaries during times of stress.[11] Consistent with these efforts, the Board and the OCC are proposing modifications to the calibration of the eSLR standards to make the calibration more consistent with the risk-based capital measures now in effect for GSIBs. The proposed recalibration, described further below, assumes that the components of the supplementary leverage ratio use the capital rule's current definitions of tier 1 capital and total leverage exposure. Significant changes to either of these components would likely necessitate reconsideration of the proposed recalibration as the proposal is not intended to materially change the aggregate amount of capital in the banking system.

II. Revisions to the Enhanced Supplementary Leverage Ratio Standards

The 2007–08 financial crisis demonstrated that robust regulatory capital standards are necessary for the safety and soundness of individual banking organizations, as well as for the financial system as a whole. Within the regulatory capital framework, leverage and risk-based capital requirements play complementary roles, with each offsetting potential risks not addressed by the other. Research shows that risk-based and leverage capital measures contain complementary information about a bank's condition.[12] Risk-based capital requirements encourage prudent behavior by requiring banking organizations to increase capital as risk-taking and the overall risk profile at the firm increases. Risk-based measures generally rely on either a standardized set of risk weights that are applied to exposure categories or on more granular risk weights based on firm-specific data and models. However, as observed during the crisis, risk-based measures alone may be insufficient in mitigating risks to financial stability posed by the largest, most interconnected banking organizations.

In contrast, a leverage ratio does not differentiate the amount of capital required by exposure type. Rather, a leverage ratio puts a simple and transparent lower bound on banking organization leverage. A leverage ratio protects against underestimation of risk both by banking organizations and by risk-based capital requirements. It also counteracts the inherent tendency of banking organization leverage to increase in a boom and fall in a recession.[13]

Leverage capital requirements should generally act as a backstop to the risk-based requirements. If a leverage ratio is calibrated at a level that makes it generally a binding constraint through the economic and credit cycle, it can create incentives for firms to reduce participation in or increase costs for low-risk, low-return businesses. At the same time, a leverage ratio that is calibrated at too low of a level will not serve as an effective complement to a risk-based capital requirement.[14]

In 2014, consistent with these goals, the agencies adopted a final eSLR rule that increased leverage capital requirements. The standards in the final eSLR rule were designed and calibrated to strengthen the largest and most interconnected banking organizations' capital base and to preserve the complementary relationship between risk-based and leverage capital requirements in recognition that risk-based capital requirements had increased in stringency and amount. As the agencies observed in the preamble to the proposed eSLR rule, approximately half of the bank holding companies subject to the eSLR rule that were bank holding companies in 2006 would have met or exceeded a 3 percent supplementary leverage ratio, suggesting that the minimum leverage standard in the eSLR rule should be greater than 3 percent to constrain pre-crisis buildup of leverage at the largest banking organizations.[15] Based on experience during the financial crisis of 2007–08, the agencies determined that there could be benefits to financial stability and reduced costs to the Deposit Insurance Fund if the largest and most interconnected banking organizations were required to meet an eSLR standard in addition to the 3 percent minimum supplementary leverage ratio requirement. Accordingly, the eSLR rule required the largest banking organizations to maintain a leverage buffer of 2 percent to avoid limitations on distributions and certain discretionary bonus payments, and established a 6 percent ''well capitalized'' threshold for IDI subsidiaries of these banking organizations.

Over the past few years, banking organizations have raised concerns that in certain cases, the standards in the eSLR rule have generally become a binding constraint rather than a backstop to the risk-based standards. Thus, the current calibration of the eSLR rule may create incentives for banking organizations bound by the eSLR standards to reduce participation in or increase costs for lower-risk, lower-return businesses, such as secured repo financing, central clearing services for market participants, and

[10] The eSLR rule does not apply to intermediate holding companies of foreign banking organizations as such firms are outside the scope of the GSIB surcharge rule and cannot be identified as U.S. GSIBs.

[11] For example, in 2017, the agencies and the National Credit Union Administration (NCUA) submitted a report to Congress pursuant to the *Economic Growth and Regulatory Paperwork Reduction Act* in which the agencies and the NCUA committed to meaningfully reducing regulatory burden, especially on community banking organizations, while at the same time maintaining safety and soundness and the quality and quantity of regulatory capital in the banking system. Consistent with that commitment, the agencies issued a notice of proposed rulemaking in 2017 that would simplify certain aspects of the capital rule. 82 FR 49984 (October 27, 2017).

[12] *See, e.g.,* Arturo Estrella, Sangkyun Park, and Stavros Peristiani (2000): ''Capital Ratios as Predictors of Bank Failure,'' Federal Reserve Bank of New York Economic Policy Review.

[13] *See, e.g.,* Galo Nuño and Carlos Thomas (2017): ''Bank Leverage Cycles,'' American Economic Journal: Macroeconomics.

[14] 78 FR 51101, 51105–6 (August 20, 2013); 78 FR 57725, 57727–8 (September 26, 2014).

[15] This analysis was based on fourth quarter 2006 data compiled from the FR Y–9C report (consolidated bank holding companies), the FFIEC 031 report (banks), the FDIC failed banks list, and attributes data for bank holding companies from the National Information Center.

taking custody deposits, notwithstanding client demand for those services. Accordingly, in light of the experience gained since the initial adoption of the eSLR standards, and to avoid potential negative outcomes, the Board and the OCC are proposing to recalibrate the standards in the eSLR rule.

A. GSIB Surcharge Rule and Firm-Specific Surcharges

The GSIB surcharge rule is designed both to ensure that a GSIB holds capital commensurate with its systemic risk and to provide a GSIB with an incentive to adjust its systemic footprint.[16] Under the GSIB surcharge rule, a firm's GSIB surcharge varies according to the firm's systemic importance as measured using the methodology outlined in the rule. Accordingly, the framework set forth in the GSIB surcharge rule, which had not yet been proposed at the time the agencies adopted the eSLR rule, would provide a mechanism for tailoring the eSLR standards based on measures of systemic risk.

B. Prompt Corrective Action Requirements

The PCA framework establishes levels of capitalization at which an IDI will become subject to limits on activities or to closure.[17] While the capital rule incorporated the 3 percent supplementary leverage ratio minimum requirement into the PCA framework as an ''adequately capitalized'' threshold for any IDI subsidiary that is an advanced approaches banking organization, it did not specify a corresponding supplementary leverage ratio threshold at which such an IDI subsidiary would be considered ''well capitalized.'' The eSLR rule subsequently established a 6 percent supplementary leverage ratio threshold at which IDI subsidiaries of the largest and most complex banking organizations would be considered ''well capitalized.'' [18] However, since adoption of the eSLR rule, banking organizations have raised concerns that the calibration of the eSLR standard at the IDI subsidiary level has created incentives, similar to those created at the GSIB holding company level, for IDI subsidiaries to reduce participation in or increase costs for low-risk, low-return businesses. Specifically, banking organizations have stated that the eSLR standard as applied at the IDI subsidiary level may create disincentives for firms bound by the eSLR standard to provide certain banking functions, such as secured repo financing, central clearing services for market participants, and taking custody deposits. In order to decrease incentives for firms to reduce participation in or increase costs for low-risk, low-return businesses, which may have an adverse effect on safety and soundness, and to help ensure that leverage requirements generally serve as a backstop to risk-based capital requirements, the Board and the OCC are proposing to modify the eSLR standards applicable to Board- and OCC-regulated IDI subsidiaries. In order to be consistent with the Board's regulations for identifying GSIBs and measuring the eSLR standards for holding companies and their IDI subsidiaries, the OCC also is proposing to revise its eSLR rule to ensure that it will apply to only those national banks and Federal savings associations that are subsidiaries of holding companies identified as GSIBs under the GSIB surcharge rule.

III. Proposed Revisions to the eSLR Standards

Under the current eSLR rule, all GSIBs are required to maintain a supplementary leverage ratio greater than 3 percent plus a leverage buffer of 2 percent to avoid limitations on distributions and certain discretionary bonus payments. The proposal would replace each GSIB's 2 percent leverage buffer with a leverage buffer set equal to 50 percent of the firm's GSIB surcharge, as determined according to the Board's GSIB surcharge rule.[19]

Under the current rule, IDI subsidiaries of the largest and most complex banking organizations are required to maintain a 6 percent supplementary leverage ratio to be considered ''well capitalized'' under the PCA framework. As discussed above, the Board and the OCC believe that the leverage requirements should be calibrated such that they are generally the backstop to risk-based capital requirements. Consistent with that view and with the treatment of GSIBs, the proposal would replace the 6 percent supplementary leverage ratio threshold for a Board- or OCC-regulated IDI subsidiary subject to the eSLR standards (covered IDI) to be considered ''well capitalized'' under the PCA framework with a supplementary leverage ratio threshold of 3 percent plus 50 percent of the GSIB surcharge applicable to the covered IDI's GSIB holding company. Thus, for a covered IDI, the ''well capitalized'' threshold would depend on the GSIB surcharge applicable at the holding company. These modifications to the PCA framework would help to maintain the complementarity of the risk-based and leverage standards at the covered IDI in a manner consistent with the proposed changes to the leverage buffer at the GSIB holding company.

The ''well capitalized'' threshold is used to determine eligibility for a variety of regulatory purposes, such as streamlined application procedures, status as a financial holding company, the ability to control or hold a financial interest in a financial subsidiary, and in interstate applications.[20] The Board and the OCC recognize that tying a banking organization's eSLR standards to its systemic footprint, as measured under the Board's GSIB surcharge rule,[21] may mean that the ''well capitalized'' threshold could change from year-to-year depending on the activities of the particular organization. Consistent with the requirements for GSIBs, a covered IDI would have one full calendar year after the year in which its eSLR threshold increased to meet the new threshold.[22] Nonetheless, in order to facilitate long-term capital and business planning, some institutions may prefer for the Board and the OCC to maintain a static ''well capitalized'' threshold.

[16] As laid out in the white paper accompanying the GSIB surcharge rule, the risk-based GSIB surcharges were calibrated to equalize the expected impact on the stability of the financial system of the failure of a GSIB with the expected systemic impact of the failure of a large bank holding company that is not a GSIB (expected impact approach). 80 FR 49082 (August 14, 2015).

[17] The levels are critically undercapitalized, significantly undercapitalized, undercapitalized, adequately capitalized, and well capitalized. *See* 12 CFR part 6 (national banks); 12 CFR part 165 (Federal savings associations) (OCC); and 12 CFR part 208, subpart D (Board).

[18] The eSLR rule also applied these standards to covered state nonmember banks.

[19] On April 10, 2018, the Board requested comment on a proposal to integrate the Board's capital rule with the supervisory post-stress capital assessment conducted as part of the Board's annual Comprehensive Capital Analysis and Review. That proposal would amend the Board's capital plan rule, capital rule, and stress testing rules, and make further amendments to the stress testing policy statement that was proposed for public comment on December 15, 2017. *See* 12 CFR 225.8; 12 CFR 252; 88 FR 59529 (December 15, 2017). *See https://www.federalreserve.gov/newsevents/pressreleases/bcreg20180410a.htm*

See 12 CFR 217.403. Under the GSIB surcharge rule, a firm identified as a GSIB must calculate its GSIB surcharge under two methods and be subject to the higher surcharge. The first method (method 1) is based on five categories that are correlated with systemic importance—size, interconnectedness, cross-jurisdictional activity, substitutability, and complexity. The second method (method 2) uses similar inputs, but replaces substitutability with the use of short-term wholesale funding and is calibrated in a manner that generally will result in surcharge levels for GSIBs that are higher than those calculated under method 1.

[20] *See, e.g.,* 12 U.S.C. 24a(a)(2)(C); 12 U.S.C. 1831u(b)(4)(B); 12 U.S.C. 1842(d); 12 CFR 5.33(j), 5.34(e)(5)(ii), 5.35(f), 5.39(g); 12 CFR 225.8(f)(2); 225.82; 225.4(b), 225.14, 225.23; 211.24(c)(3).

[21] *See* 12 CFR part 217, subpart H.

[22] 12 CFR 217.403(d)(1).

Additionally, treating the eSLR standard as a buffer, which an IDI subsidiary may use during times of economic stress, may have less pro-cyclical effects.

Therefore, as an alternative to revising the eSLR threshold for a covered IDI to be considered ''well capitalized,'' the Board and the OCC are considering applying the eSLR standard as a capital buffer requirement. Under this approach, the PCA framework would retain the 3 percent supplementary leverage ratio requirement to be considered ''adequately capitalized,'' but there would no longer be a supplementary leverage ratio threshold for a covered IDI to be considered ''well capitalized.'' Instead, the eSLR standard would be applied to a covered IDI alongside the existing capital conservation buffer [23] in the same manner that the eSLR standard applies to GSIBs. Thus, under this alternative approach, GSIBs and covered IDIs would be required to maintain a leverage buffer set to 50 percent of the GSIB surcharge applicable to the GSIB or the GSIB holding company of the covered IDI, as applicable, over the 3 percent supplementary leverage ratio minimum to avoid limitations on distributions and certain discretionary bonus payments. The Board and the OCC are requesting comment on whether it would be more appropriate to apply the eSLR standard to a covered IDI as a capital buffer requirement, rather than as part of the PCA threshold for ''well capitalized.''

The proposed recalibration of the eSLR standards for GSIBs and covered IDIs would continue to provide a meaningful constraint on leverage while ensuring a more appropriate complementary relationship between these firms' risk-based and leverage capital requirements. Specifically, the proposal would help ensure that the leverage capital requirements generally serve as a backstop to risk-based capital requirements. In addition, the proposed calibration would reinforce incentives created by the GSIB surcharge for GSIBs to reduce their systemic footprint by providing less systemic firms with a lower GSIB surcharge and a parallel lower ''well capitalized'' threshold in the PCA framework. Setting the leverage buffer in the eSLR rule to 50 percent of the GSIB surcharge also would mirror the relationship between the minimum tier 1 risk-based capital ratio of 6 percent and the minimum supplementary leverage ratio of 3 percent.

[23] *See* 12 CFR 3.11 and 12 CFR 217.11.

IV. Impact Analysis

Based on third quarter 2017 data, and assuming fully phased-in GSIB surcharges were in effect, one of the eight GSIBs would currently have its most binding capital requirement under the capital rule set by the proposed eSLR, compared with four of eight GSIBs that are bound by the eSLR under the current eSLR rule.[24] Under the proposed eSLR standards, the amount of tier 1 capital required to avoid restrictions based on the capital buffers in the capital rule would decrease by approximately $9 billion across the eight GSIBs.[25] Each of the GSIBs subject to the eSLR rule would have met the minimum supplementary leverage ratio of 3 percent plus a 2 percent leverage buffer had the eSLR rule been in effect third quarter 2017, and assuming fully phased-in GSIB surcharges were applicable in that quarter, each of the eight GSIBs would have also met the minimum supplementary leverage ratio, plus a leverage buffer set to 50 percent of the GSIB surcharge, had the proposal been in effect. The GSIBs held in aggregate nearly $955 billion in tier 1 capital as of third quarter 2017.

The Board's capital plan rule also requires certain large bank holding companies, including the GSIBs, to hold capital in excess of the minimum capital ratios by requiring them to demonstrate the ability to satisfy the capital requirements under stressful conditions.[26] Taking into account the capital buffer requirements in the capital rule together with estimates of the capital required under the capital plan rule, the proposal would reduce the amount of tier 1 capital required across the GSIBs by approximately $400 million.[27]

Analysis therefore indicates that the proposed eSLR recalibration would reduce the capital required to be held by the GSIBs for purposes of meeting the eSLR standards, but the more firm-specific and risk-sensitive approach to the eSLR buffer in the proposal would more appropriately align each GSIB's leverage buffer with its systemic footprint. Importantly, under the proposal, to the extent a firm's systemic footprint and GSIB surcharge increases, the amount of tier 1 capital required to meet its applicable eSLR standard also would increase. Further, and notwithstanding the proposed recalibration, GSIBs remain subject to the most stringent regulatory standards, including in particular the risk-based GSIB surcharge and total loss-absorbing capacity standards.

For covered IDIs, the proposed rule would replace the current 6 percent eSLR standard in the ''well capitalized'' threshold with a new standard equal to 3 percent plus 50 percent of the GSIB's surcharge. The current eSLR standard tends to be more binding than risk-based capital requirements at the IDI level than at the holding company level because the eSLR standard is calibrated higher and the agencies have not imposed a GSIB surcharge at the IDI level. Based on data as of third quarter 2017, the eSLR standard is the most binding tier 1 capital requirement for all eight lead IDI subsidiaries of the GSIBs. Under the proposal, the eSLR standard would be the most binding tier 1 capital requirement for three of these covered IDIs.[28] The amount of tier 1 capital required under the proposed eSLR standard across the lead IDI subsidiaries would be approximately $121 billion less than what is required under the current eSLR standard to be considered well-capitalized.[29] The proposed eSLR

[24] Analysis reflects data from the Consolidated Financial Statements for Holding Companies (FR Y–9C), the Consolidated Reports of Condition and Income for a Bank with Domestic and Foreign Offices (FFIEC 031), and the Regulatory Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework (FFIEC 101), as reported by the GSIBs and the covered IDIs as of third quarter 2017.

[25] The $9 billion figure is approximately 1 percent of the amount of tier 1 capital held by the GSIBs as of third quarter 2017. The $9 billion figure represents the aggregate decrease in the amount of tier 1 capital required across the GSIBs under the proposed eSLR standards relative to the amount of capital required for such firms to exceed a 5 percent supplementary leverage ratio, as well as the minimum tier 1 risk-based capital ratio plus applicable capital conservation buffer requirement, which includes each firm's applicable GSIB surcharge.

[26] 12 CFR 225.8(e)(2).

[27] The $400 million figure is approximately 0.04 percent of the amount of tier 1 capital held by the GSIBs as of third quarter 2017. The $400 million figure represents the aggregate decrease in the amount of tier 1 capital required across the GSIBs under the proposed eSLR standards relative to the amount of capital required for such firms to exceed a 5 percent supplementary leverage ratio, as well as the minimum tier 1 risk-based capital ratio plus applicable capital conservation buffer requirement, which includes each firm's applicable GSIB surcharge, and post-stress minimum tier 1-based capital requirements (*i.e.,* tier 1 risk-based capital ratio, leverage ratio, and supplementary leverage ratio).

[28] The Board and the OCC estimate that the proposed eSLR standard would be the most binding tier 1 capital requirement for a total of eight covered IDIs that reported their total leverage exposure on the FFIEC 031 report, five of which are non-lead IDI subsidiaries. 12 U.S.C. 1841(o)(8); 12 CFR 225.2(h).

[29] The $121 billion figure represents the aggregate decrease in the amount of tier 1 capital required across the lead IDI subsidiaries of the GSIBs to meet the proposed eSLR well-capitalized standard relative to the amount of capital required for such firms to meet the current 6 percent well-capitalized standard, as well as the tier 1 risk-based capital ratio plus applicable capital conservation buffer

Continued

standards along with current risk-based capital standards and other constraints applicable at the holding company level would continue to limit the amount of capital that GSIBs could distribute to investors, thus supporting the safety and soundness of GSIBs and helping to maintain financial stability.

Question 1: To what extent would the proposed eSLR standards appropriately balance the need for regulatory standards that enhance systemic stability with the long-term goal of credit availability, efficiency, and business growth? What alternatives, if any, should the Board and the OCC consider that would more appropriately strike this balance?

Question 2: How would the proposed calibration of the eSLR standards affect business decisions of GSIBs and covered IDIs? How, if at all, would the proposal change the incentives for GSIBs and covered IDIs to participate in or increase costs for low-risk, low-return businesses? Alternatively, how would a reduction in tier 1 capital across the GSIBs resulting from the proposed calibration impact the overall resilience of the financial system?

Question 3: What, if any, beneficial or negative consequences for market participants, consumers, and financial stability are likely to result from the proposed calibration? Please provide examples and data where feasible.

Question 4: What, if any, alternative methods would be more appropriate to determine the level of firm-specific eSLR standards? For example, what other approaches using publicly reported data, such as the systemic risk data collected on the FR Y–15, would be appropriate? Please provide examples and data where feasible.

Question 5: Should the Board and the OCC consider alternative approaches to address the relative bindingness of leverage requirements to risk-based capital requirements for certain firms? Specifically, what are the benefits and drawbacks of excluding central bank reserves from the denominator of the supplementary leverage ratio as an alternative to the proposal? In comparison to the proposal, how would such an exclusion affect the business decisions of firms supervised by the Board and the OCC?

Question 6: Would it be more appropriate to apply the eSLR standard to a covered IDI as capital buffer requirement, rather than as part of the PCA ''well capitalized'' threshold?

Question 7: The Board has issued for comment a separate proposal that, among other changes, would use the results of its annual supervisory stress test to size buffer requirements applicable to U.S. bank holding companies that are subject to the Board's capital plan rule. How would that proposal affect the responses to the questions above or other aspects of the proposed modifications to the eSLR standards?

V. Amendments to Total Loss-Absorbing Capacity Standards

The Board's final rule regarding total loss-absorbing capacity, long-term debt, and clean holding company requirements for GSIBs and intermediate holding companies of systemically important foreign banking organizations [30] (TLAC rule) applies a 2 percent supplementary-leverage-ratio-based TLAC buffer in addition to the 7.5 percent leverage component of a GSIB's external TLAC requirement. The adoption of this buffer was designed to parallel the leverage buffer applicable to these firms under the eSLR rule and applies on top of the minimum TLAC leverage requirement.[31] Accordingly, the Board is proposing to amend the TLAC rule to replace each GSIB's 2 percent TLAC leverage buffer with a buffer set to 50 percent of the firm's GSIB surcharge. This change would conform the TLAC leverage buffer with the proposed revised eSLR standard for GSIBs.

The Board's TLAC rule also establishes a minimum leverage-based external long-term debt (LTD) requirement for a GSIB equal to the GSIB's total leverage exposure multiplied by 4.5 percent. As described in the preamble to the final TLAC rule, this component of the LTD requirement was calibrated by subtracting a 0.5 percent balance sheet depletion allowance from the amount required to satisfy the combined supplementary leverage ratio requirement and eSLR (*i.e.,* 5 percent).[32] Accordingly, the Board is proposing to amend the minimum LTD standard to reflect the proposed change to the eSLR. The proposed amended leverage-based external LTD standard would be total leverage exposure multiplied by 2.5 percent (*i.e.,* 3 percent minus 0.5 percent to allow for balance sheet depletion) plus 50 percent of the GSIB's applicable GSIB surcharge.

In addition, the Board is proposing to make certain minor amendments to the TLAC rule, including amendments to ensure that LTD is calculated the same way for all TLAC requirements. Specifically, the proposal provides that the external TLAC risk-weighted buffer level, TLAC leverage buffer level, and the TLAC buffer level for U.S. intermediate holding companies of foreign GSIBs (covered IHCs) would be amended to use the same haircuts applicable to LTD that are currently used to calculate outstanding minimum required TLAC amounts, which do not include a 50 percent haircut on LTD instruments with a remaining maturity of between one and two years. These minor amendments also include changes such that the term ''External TLAC risk-weighted buffer'' is used consistently in the TLAC rule, to provide that a new covered IHC will in all cases have three years to conform to most of the requirements of the TLAC rule, and to align the articulation of the methodology for calculating the covered IHC LTD amount with the same methodology used for GSIBs.

Question 8: What, if any, concerns would the proposed modification of the external TLAC leverage buffer requirement (that is, replacing the fixed 2 percent external TLAC leverage buffer with an external TLAC leverage buffer set to 50 percent of a firm's GSIB surcharge) pose? What if any alternative approach should the Board consider and why?

Question 9: The Board is considering, for purposes of any final rule, whether it also should modify the requirement at 12 CFR 252.63(a)(2) that a GSIB maintain an external loss-absorbing capacity amount that is no less than 7.5 percent of the GSIB's total leverage exposure (7.5 percent requirement). What, if any, modifications to the 7.5 percent requirement would be appropriate to address the changes proposed above, such as the proposed changes to the eSLR requirement and the related changes to the TLAC requirement, or to address other changes in circumstances since the TLAC rule was finalized, such as new foreign or international standards related to total loss absorbing capacity or capital? What, if any, modifications to the 7.5 percent requirement would be appropriate for other reasons, including modifications to match or better align with the TLAC rule's supplementary leverage ratio requirements for covered IHCs (*i.e.,* a TLAC amount no less than 6 to 6.75 percent of the covered IHC's total

requirement. The amount of tier 1 capital required across all covered IDIs that reported their total leverage exposure on the FFIEC 031 report would decrease by approximately $122 billion under the proposal.

[30] 12 CFR 252.60–.65, .153, .160–.167; 82 FR 8266 (January 24, 2017).

[31] Under the TLAC rule, a GSIB's external TLAC leverage buffer requirement is equal to 2 percent of total leverage exposure, which is the same buffer set under the eSLR rule.

[32] 82 FR 8266, 8275 (January 24, 2017).

leverage exposure)[33] or with similar foreign or international standards or expectations? Should any such modification revise the 7.5 percent requirement to be dynamic, such as a requirement linked to a GSIB's risk-based capital surcharge and, if so, should that revised requirement be based on the same percentage as the proposed calibration of the eSLR standard and minimum LTD standard (*i.e.,* 50 percent of the GSIB's risk-based capital surcharge) or a higher (*e.g.,* 100 percent) or lower percentage (*e.g.,* 25 percent)?

In responding to this question, commenters are invited to describe the rationale for any suggested modifications to the 7.5 percent requirement and how such rationale relates to the Board's overall rationale for the proposal, the rationale for the capital refill framework described in the preamble to the final TLAC rule,[34] or other rationales for establishing or calibrating TLAC requirements. For example, a response could explain what, if any, modifications to the requirement should be made based on the proposed modifications to the eSLR standard, the minimum LTD standard, and the capital refill framework (such as revising the 7.5 percent requirement to require TLAC in an amount no less than 5.5 percent, plus 50 percent of the firm's GSIB risk-based capital surcharge, of the GSIB's total leverage exposure).

V. Additional Requests for Comment

The Board and the OCC seek comment on all aspects of the proposed modifications to the eSLR standards for GSIBs and covered IDIs, as well as on amendments made to the calculation of the external TLAC leverage buffer, and other minor changes to the TLAC rule. Comments are requested about the potential advantages of the proposal in ensuring the individual safety and soundness of these banking organizations as well as on the stability of the financial system. Comments are also requested about the calibration and capital impact of the proposal, including whether the proposal appropriately maintains a complementary relationship between the risk-based and leverage capital requirements, and the nature and extent of costs and benefits to the affected institutions or the broader economy.

VII. Regulatory Analyses

A. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) (PRA), the Board and the OCC may not conduct or sponsor, and a 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 Board and the OCC reviewed the proposed rule and determined that it does not create any new or revise any existing collection of information under section 3504(h) of title 44.

B. Regulatory Flexibility Act Analysis

OCC: The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* (RFA), requires an agency, in connection with a proposed rule, to prepare an Initial Regulatory Flexibility Analysis describing the impact of the rule on small entities (defined by the Small Business Administration (SBA) for purposes of the RFA to include commercial banks and savings institutions with total assets of $550 million or less and trust companies with total assets of $38.5 million of less) or to certify that the proposed rule would not have a significant economic impact on a substantial number of small entities.

The OCC currently supervises 956 small entities.[35]

As described in the **SUPPLEMENTARY INFORMATION** section of the preamble, the proposed rule would revise the eSLR rule, which applies to GSIBs and their IDI subsidiaries. Because the proposed rule would apply only to GSIBs and their IDI subsidiaries, it would not impact any OCC-supervised small entities. Therefore, the OCC certifies that the proposed rule would not have a significant economic impact on a substantial number of OCC-supervised small entities

Board: The RFA, 5 U.S.C. 601 *et seq.,* requires an agency to consider whether the rules it proposes will have a significant economic impact on a substantial number of small entities.[36] In connection with a proposed rule, the RFA requires an agency to prepare an Initial Regulatory Flexibility Analysis describing the impact of the rule on small entities or to certify that the proposed rule would not have a significant economic impact on a substantial number of small entities. An Initial Regulatory Flexibility Analysis must contain (1) a description of the reasons why action by the agency is being considered; (2) a succinct statement of the objectives of, and legal basis for, the proposed rule; (3) a description of, and, where feasible, an estimate of the number of small entities to which the proposed rule will apply; (4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and (5) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap with, or conflict with the proposed rule.

The Board has considered the potential impact of the proposed rule on small entities in accordance with the RFA. Based on its analysis and for the reasons stated below, the Board believes that this proposed rule will not have a significant economic impact on a substantial number of small entities. Nevertheless, the Board is publishing and inviting comment on this initial regulatory flexibility analysis. A final regulatory flexibility analysis will be conducted after comments received during the public comment period have been considered.

As discussed in detail above, the Board and the OCC are proposing to recalibrate the eSLR requirements to provide improved incentives and to better ensure that the eSLR serves as a backstop to risk-based capital requirements rather than the binding constraint. Consistent with these objectives, the proposal would make corresponding changes the Board's TLAC requirements, along with other technical and minor changes to the Board's TLAC rule.

The Board has broad authority under the International Lending Supervision Act (ILSA)[37] and the PCA provisions of the Federal Deposit Insurance Act[38] to establish regulatory capital requirements for the institutions it regulates. For example, ILSA directs each Federal banking agency to cause banking institutions to achieve and maintain adequate capital by establishing minimum capital

[33] 12 CFR 252.165(a)(2), (b)(2).

[34] 82 FR 8266 (January 24, 2017).

[35] The OCC calculated the number of small entities using the SBA's size thresholds for commercial banks and savings institutions, and trust companies, which are $550 million and $38.5 million, respectively. Consistent with the General Principles of Affiliation, 13 CFR 121.103(a), the OCC counted the assets of affiliated financial institutions when determining whether to classify a national bank or federal savings association as a small entity.

[36] Under regulations issued by the Small Business Administration, a small entity includes a depository institution, bank holding company, or savings and loan holding company with total assets of $550 million or less and trust companies with total assets of $38.5 million or less. As of June 30, 2017, there were approximately 3,451 small bank holding companies, 224 small savings and loan holding companies, and 566 small state member banks.

[37] 12 U.S.C. 3901–3911.

[38] 12 U.S.C. 1831o.

requirements as well as by other means that the agency deems appropriate.[39] The PCA provisions of the Federal Deposit Insurance Act direct each Federal banking agency to specify, for each relevant capital measure, the level at which an IDI subsidiary is well capitalized, adequately capitalized, undercapitalized, and significantly undercapitalized.[40] In addition, the Board has broad authority to establish regulatory capital standards for bank holding companies under the Bank Holding Company Act and the Dodd-Frank Reform and Consumer Protection Act (Dodd-Frank Act).[41] Section 165 of the Dodd-Frank Act provides the legal authority for the Board's proposed revisions to the TLAC rule.[42]

The proposed changes to the eSLR rule would apply only to entities that are GSIBs, as identified by the GSIB surcharge rule, and any IDI subsidiary of a GSIB that is regulated by the Board. Currently, no small top-tier bank holding company would meet the threshold criteria for application of the eSLR standards provided in this proposal. Accordingly, the proposed changes to the eSLR rule would not have a significant economic impact on a substantial number of small entities. However, one bank holding company covered under the proposal has a state member bank subsidiary with assets of $550 million or less. The Board does not expect, however, that this entity would bear any additional costs as it would rely on its parent banking organization for compliance.

Under the proposal, the TLAC rule would continue to apply only to a top-tier bank holding company domiciled in the United States with $50 billion or more in total consolidated assets and that has been identified as a GSIB, and to covered IHCs. Bank holding companies and covered IHCs that are subject to the proposed rule therefore substantially exceed the $550 million asset threshold at which a banking entity would qualify as a small banking organization. Accordingly, the proposed changes to the TLAC rule would not have a significant economic impact on a substantial number of small entities.

The proposed changes to the eSLR rule and TLAC rule would not alter existing reporting, recordkeeping, and other compliance requirements. In addition, the Board is aware of no other Federal rules that duplicate, overlap, or conflict with the proposed changes to the eSLR rule and the TLAC rule. The Board believes that the proposed changes to the eSLR rule and TLAC rule will not have a significant economic impact on small banking organizations supervised by the Board and therefore believes that there are no significant alternatives to the proposed rule that would reduce the economic impact on small banking organizations supervised by the Board.

The Board welcomes comment on all aspects of its analysis. In particular, the Board requests that commenters describe the nature of any impact on small entities and provide empirical data to illustrate and support the extent of the impact.

C. Plain Language

Section 722 of the Gramm-Leach-Bliley Act requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The Board and the OCC have sought to present the proposed rule in a simple and straightforward manner, and invite comment on the use of plain language. For example:

- Have the Board and the OCC organized the material to suit your needs? If not, how could they present the rule more clearly?
- Are the requirements in the rule clearly stated? If not, how could the rule be more clearly stated?
- Do the regulations contain technical language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the regulation easier to understand? If so, what changes would achieve that?
- Is this section format adequate? If not, which of the sections should be changed and how?
- What other changes can the Board and the OCC incorporate to make the regulation easier to understand?

D. Riegle Community Development and Regulatory Improvement Act of 1994

The Riegle Community Development and Regulatory Improvement Act of 1994 (RCDRIA) requires that each Federal banking agency, 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. In addition, new regulations and amendments to 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.[43]

Because the proposal would not impose additional reporting, disclosure, or other requirements on IDIs, section 302 of the RCDRIA therefore does not apply. Nevertheless, the requirements of RCDRIA will be considered as part of the overall rulemaking process. In addition, the Board and the OCC also invite any other comments that further will inform the Board's and the OCC's consideration of RCDRIA.

E. OCC Unfunded Mandates Reform Act of 1995 Determination

The OCC analyzed the proposed rule under the factors set forth in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532). Under this analysis, the OCC considered whether the proposal 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 for inflation). The OCC has determined that this proposed rule would not result in expenditures by state, local, and Tribal governments, or the private sector, of $100 million or more in any one year.[44] Accordingly, the OCC has not prepared a written statement to accompany this proposal.

List of Subjects

12 CFR Part 6

Federal Reserve System, Federal savings associations, National banks.

12 CFR Part 208

Accounting, Agriculture, Banks, banking, Confidential business information, Consumer protection, Crime, Currency, Global systemically

[39] 12 U.S.C. 3907(a)(1).

[40] 12 U.S.C. 1831o(c)(2).

[41] *See, e.g.,* sections 165 and 171 of the Dodd-Frank Act (12 U.S.C. 5365 and 12 U.S.C. 5371). Public Law 111–203, 124 Stat. 1376 (2010).

[42] 12 U.S.C. 5365.

[43] 12 U.S.C. 4802.

[44] The OCC estimates that under the proposed rule, the minimum amount of required Tier 1 capital would decrease by $109 billion for covered OCC-supervised institutions. The OCC estimates that this decrease in required capital—which could allow these banking organizations to increase their leverage and thus increase their tax deductions for interest paid on debt—would have a total aggregate value of approximately $1.7 billion per year across all directly impacted OCC-supervised entities. The OCC recognizes, however, that affected institutions have several options regarding how they might adjust to changes in minimum required Tier 1 capital levels, only one of which is to reduce their Tier 1 capital levels.

important bank, Insurance, Investments, Mortgages, Reporting and recordkeeping requirements, Securities.

12 CFR Part 217

Administrative practice and procedure, Banks, banking. Holding companies, Reporting and recordkeeping requirements, Securities.

12 CFR Part 252

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

Office of the Comptroller of the Currency

For the reasons set out in the joint preamble, the OCC proposes to amend 12 CFR part 6 as follows:

PART 6—PROMPT CORRECTIVE ACTION

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

Authority: 12 U.S.C. 93a, 1831o, 5412(b)(2)(B).

■ 2. Section 6.4 is amended by revising paragraph (c)(1)(iv) to read as follows:

§ 6.4 Capital measures and capital category definitions.

* * * * *

(c) * * *

(1) * * *

(iv) Leverage Measure:

(A) The national bank or Federal savings association has a leverage ratio of 5.0 percent or greater; and

(B) With respect to a national bank or Federal savings association that is controlled by a bank holding company designated as a global systemically important bank holding company pursuant to subpart H of Regulation Q (12 CFR part 217, subpart H), the national bank or Federal savings association has a supplementary leverage ratio greater than or equal to:

(*1*) 3.0 percent; plus

(*2*) 50 percent of the GSIB surcharge calculated in accordance with subpart H of Regulation Q (12 CFR part 217, subpart H) applicable to the global systemically important bank holding company that controls the national bank or Federal savings association; and

* * * * *

Board of Governors of the Federal Reserve System

12 CFR CHAPTER II

Authority and Issuance

For the reasons set forth in the preamble, The Board of Governors of the Federal Reserve System proposes to amend chapter II of title 12 of the Code of Federal Regulations as follows:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

■ 3. The authority citation for part 208 continues to read as follows:

Authority: 12 U.S.C. 24, 36, 92a, 93a, 248(a), 248(c), 321–338a, 371d, 461, 481–486, 601, 611, 1814, 1816, 1818, 1820(d)(9), 1833(j), 1828(o), 1831, 1831o, 1831p–1, 1831r–1, 1831w, 1831x, 1835a, 1882, 2901–2907, 3105, 3310, 3331–3351, 3905–3909, and 5371; 15 U.S.C. 78b, 78I(b), 78l(i), 780–4(c)(5), 78q, 78q–1, and 78w, 1681s, 1681w, 6801, and 6805; 31 U.S.C. 5318; 42 U.S.C. 4012a, 4104a, 4104b, 4106 and 4128.

■ 4. Section 208.43, paragraph (b)(1)(iv) is revised to read as follows:

§ 208.43 Capital measures and capital category definitions.

* * * * *

(b) * * *

(1) * * *

(iv) Leverage Measure:

(A) The bank has a leverage ratio of 5.0 percent or greater; and

(B) With respect to any bank that is a subsidiary of a global systemically important BHC under the definition of ''subsidiary'' in section 217.2 of Regulation Q (12 CFR 217.2), the bank has a supplementary leverage ratio greater than or equal to:

(*1*) 3.0 percent; plus

(*2*) 50 percent of the GSIB surcharge calculated in accordance with subpart H of Regulation Q (12 CFR part 217, subpart H) applicable to the global systemically important BHC that controls the bank; and

* * * * *

PART 217—CAPITAL ADEQUACY OF BANK HOLDING COMPANIES, SAVINGS AND LOAN HOLDING COMPANIES, AND STATE MEMBER BANKS (REGULATION Q)

■ 5. The authority citation for part 217 continues to read as follows:

Authority: 12 U.S.C. 248(a), 321–338a, 481–486, 1462a, 1467a, 1818, 1828, 1831n, 1831o, 1831p–l, 1831w, 1835, 1844(b), 1851, 3904, 3906–3909, 4808, 5365, 5368, 5371.

■ 6. Section 217.11, paragraphs (a)(4)(ii) and (a)(4)(iii)(B) and Table 2 to § 217.11 are revised to read as follows:

§ 217.11 Capital conservation buffer, countercyclical capital buffer amount, and GSIB surcharge.

* * * * *

(a) * * *

(4) * * *

(ii) A Board-regulated institution with a capital conservation buffer that is greater than 2.5 percent plus 100 percent of its applicable countercyclical capital buffer in accordance with paragraph (b) of this section, and 100 percent of its applicable GSIB surcharge, in accordance with paragraph (c) of this section, and, if applicable, that has a leverage buffer that is greater than 50 percent of its applicable GSIB surcharge, is not subject to a maximum payout amount under this section.

(iii) * * *

(B) Capital conservation buffer was less than 2.5 percent, or, if applicable, leverage buffer was less than 50 percent of its applicable GSIB surcharge, as of the end of the previous calendar quarter.

* * * * *

TABLE 2 TO § 217.11: CALCULATION OF MAXIMUM LEVERAGE PAYOUT AMOUNT

Leverage buffer	Maximum leverage payout ratio (as a percentage of eligible retained income) (percent)
Greater than 50 percent of the Board-regulated institution's applicable GSIB surcharge	No payout ratio limitation applies.
Less than or equal to 50 percent of the Board-regulated institution's applicable GSIB surcharge, *and* greater than 37.5 percent of the Board-regulated institution's applicable GSIB surcharge.	60.
Less than or equal to 37.5 percent of the Board-regulated institution's applicable GSIB surcharge, *and* greater than 25 percent of the Board-regulated institution's applicable GSIB surcharge.	40.
Less than or equal to 25 percent of the Board-regulated institution's applicable GSIB surcharge, *and* greater than 12.5 percent of the Board-regulated institution's applicable GSIB surcharge.	20.
Less than or equal to 12.5 percent of the Board-regulated institution's applicable GSIB surcharge	0.

* * * * *

PART 252—ENHANCED PRUDENTIAL STANDARDS (REGULATION YY)

■ 7. The authority citation for part 252 continues to read as follows:

Authority: 12 U.S.C. 321–338a, 481–486, 1467a, 1818, 1828, 1831n, 1831o, 1831p–l, 1831w, 1835, 1844(b), 1844(c), 3101 *et seq.,* 3101 note, 3904, 3906–3909, 4808, 5361, 5362, 5365, 5366, 5367, 5368, 5371.

■ 8. In § 252.61:

■ a. Remove the definition ''External TLAC buffer'';

■ b. Add the definition ''External TLAC risk-weighted buffer'' in alphabetical order to read as follows:

§ 252.61 Definitions.

* * * * *

External TLAC risk-weighted buffer means, with respect to a global systemically important BHC, the sum of 2.5 percent, any applicable countercyclical capital buffer under 12 CFR 217.11(b) (expressed as a percentage), and the global systemically important BHC's method 1 capital surcharge.

* * * * *

■ 9. In § 252.62, revise paragraph (a)(2) to read as follows:

§ 252.62 External long-term debt requirement.

(a) * * *

(2) The global systemically important BHC's total leverage exposure multiplied by the sum of 2.5 percent plus 50 percent of the global systemically important BHC's applicable GSIB surcharge (expressed as a percentage).

* * * * *

■ 10. In § 252.63, revise paragraphs (c)(3)(i)(C), (c)(4)(ii), (c)(4)(iii)(B), and (c)(5)(iii)(A)(*2*), and Table 2 to § 252.63 to read as follows:

§ 252.63 External total loss-absorbing capacity requirement and buffer.

* * * * *

(c) * * *

(3) * * *

(i) * * *

(C) The ratio (expressed as a percentage) of the global systemically important BHC's outstanding eligible external long-term debt amount plus 50 percent of the amount of unpaid principal of outstanding eligible debt securities issued by the global systemically important BHC due to be paid in, as calculated in § 252.62(b)(2), greater than or equal to 365 days (one year) but less than 730 days (two years) to total risk-weighted assets.

* * * * *

(4) * * *

(i) * * *

(ii) A global systemically important BHC with an external TLAC risk-weighted buffer level that is greater than the external TLAC risk-weighted buffer and an external TLAC leverage buffer level that is greater than 50 percent of the global systemically important BHC's applicable GSIB surcharge, in accordance with paragraph (c)(5) of this section, is not subject to a maximum external TLAC risk-weighted payout amount or a maximum external TLAC leverage payout amount.

(iii) * * *

(B) External TLAC risk-weighted buffer level was less than the external TLAC risk-weighted buffer as of the end of the previous calendar quarter or external TLAC leverage buffer level was less than 50 percent of the global systemically important BHC's applicable GSIB surcharge as of the end of the previous calendar quarter.

* * * * *

(5) * * *

(iii) * * *

(A) * * *

(*2*) The ratio (expressed as a percentage) of the global systemically important BHC's outstanding eligible external long-term debt amount plus 50 percent of the amount of unpaid principal of outstanding eligible debt securities issued by the global systemically important BHC due to be paid in in, as calculated in § 252.62(b)(2), greater than or equal to 365 days (one year) but less than 730 days (two years) to total leverage exposure.

* * * * *

TABLE 2 TO § 252.63—CALCULATION OF MAXIMUM EXTERNAL TLAC LEVERAGE PAYOUT AMOUNT

External TLAC leverage buffer level	Maximum external TLAC leverage payout ratio (as a percentage of eligible retained income) (percent)
Greater than 50 percent of the global systemically important BHC's applicable GSIB surcharge	No payout ratio limitation applies.
Less than or equal to 50 percent of the global systemically important BHC's applicable GSIB surcharge, *and* greater than 37.5 percent of the global systemically important BHC's applicable GSIB surcharge.	60.
Less than or equal to 37.5 percent of the global systemically important BHC's applicable GSIB surcharge, *and* greater than 25 percent of the global systemically important BHC's applicable GSIB surcharge.	40.
Less than or equal to 25 percent of the global systemically important BHC's applicable GSIB surcharge, *and* greater than 12.5 percent of the global systemically important BHC's applicable GSIB surcharge.	20.
Less than or equal to 12.5 percent of global systemically important BHC's applicable GSIB surcharge	0.

■ 11. In § 252.160, revise paragraph (b)(2) to read as follows:

§ 252.160 Applicability.

* * * * *

(b) * * *

(2) 1095 days (three years) after the later of the date on which:

(i) The U.S. non-branch assets of the global systemically important foreign banking organization that controls the Covered IHC equaled or exceeded $50 billion; and

(ii) The foreign banking organization that controls the Covered IHC became a global systemically important foreign banking organization

* * * * *

■ 12. In § 252.162, revise paragraph (b)(1) to read as follows:

§ 252.162 Covered IHC long-term debt requirement.

* * * * *

(b) * * *

(1) A Covered IHC's outstanding eligible Covered IHC long-term debt amount is the sum of:

(i) One hundred (100) percent of the amount due to be paid of unpaid principal of the outstanding eligible Covered IHC debt securities issued by the Covered IHC in greater than or equal to 730 days (two years); and

(ii) Fifty (50) percent of the amount due to be paid of unpaid principal of the outstanding eligible Covered IHC debt securities issued by the Covered IHC in greater than or equal to 365 days (one

year) and less than 730 days (two years); and

(iii) Zero (0) percent of the amount due to be paid of unpaid principal of the outstanding eligible Covered IHC debt securities issued by the Covered IHC in less than 365 days (one year).

* * * * *

■ 13. In § 252.165, revise paragraph (d)(3)(i)(C) to read as follows:

§ 252.165 Covered IHC total loss-absorbing capacity requirement and buffer.

* * * * *

(d) * * *

(3) * * *

(i) * * *

(C) The ratio (expressed as a percentage) of the Covered IHC's outstanding eligible Covered IHC long-term debt amount plus 50 percent of the amount of unpaid principal of outstanding eligible Covered IHC debt securities issued by the Covered IHC due to be paid in, as calculated in § 252.162(b)(2), greater than or equal to 365 days (one year) but less than 730 days (two years) to total risk-weighted assets.

* * * * *

Dated: April 2, 2018.

Joseph M. Otting,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, April 11, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–08066 Filed 4–18–18; 8:45 am]

BILLING CODE 6210–01–P 4810–33–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0230; Airspace Docket No. 17–AGL–26]

RIN 2120–AA66

Proposed Amendment of Air Traffic Service (ATS) Routes in the Vicinity of Chicago, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify two VHF Omnidirectional Range (VOR) Federal airways (V–217 and V–228) in the vicinity of the Chicago O'Hare International Airport, IL. The FAA is proposing this action due to the planned decommissioning of the Chicago O'Hare, IL (ORD), VOR/Distance Measuring Equipment (VOR/DME) navigation aid (NAVAID), which provides navigation guidance for portions of the affected ATS routes. The Chicago O'Hare VOR/DME is being decommissioned to facilitate the construction of a new runway at Chicago O'Hare International Airport.

DATES: Comments must be received on or before June 4, 2018.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1(800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2018–0230; Airspace Docket No. 17–AGL–26 at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov*.

FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11B at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html*.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the route structure in the Chicago, IL, area as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2018–0230; Airspace Docket No. 17–AGL–26) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *http://www.regulations.gov*.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2018–0230; Airspace Docket No. 17–AGL–26.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received and any final disposition in

person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Blvd., Fort Worth, TX, 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

The FAA is planning to decommission the Chicago O'Hare, IL, VOR/DME in January 2019 in support of construction activities for a new runway at Chicago O'Hare International Airport.

With the planned decommissioning of the Chicago O'Hare VOR/DME, the remaining ground-based NAVAIDs in the area do not support the continuity of V–217 and V–228. As such, proposed modifications to V–217 and V–228 would result in a gap in the airways between the BESIE and FARMM fixes located northwest of the Chicago O'Hare International Airport, IL. To overcome the gaps in the airways and enroute structure, instrument flight rules traffic could use adjacent VOR Federal airways (including V–2, V–9, V–24, V–97, V–177, and V–191) to circumnavigate the affected area, file point to point through the affected area using fixes that will remain in place, or receive air traffic control (ATC) radar vectors through the area. Visual flight rules pilots who elect to navigate via the airways through the affected area could also take advantage of the adjacent VOR Federal airways, fixes, or ATC services previously listed.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to modify the descriptions of VOR Federal airways V–217 and V–228. The planned decommissioning of the Chicago O'Hare, IL, VOR/DME has made these actions necessary. The proposed VOR Federal airway changes are described below.

V–217: V–217 currently extends between the intersection of the Chicago O'Hare, IL, 316°/DuPage, IL, 359° and Northbrook, IL, 291° radials (FARMM fix) and the Winnipeg, MB, Canada, VOR/Tactical Air Navigation (VORTAC). The FAA proposes to remove the airway segment between the Chicago O'Hare, IL, 316°/DuPage, IL, 359° and Northbrook, IL, 291° radials (FARMM fix) and the intersection of the Chicago O'Hare 316° and Badger, WI, 193° radials (BESIE fix). Additionally, the BESIE fix would be amended in the airway description to describe it as the intersection of the Madison, WI, 138°(T)/135°(M) radial and the existing Badger, WI, 193° radial, and the spelling of the Winnipeg VORTAC name would be corrected from ''Winnepeg'' to ''Winnipeg.'' The unaffected portions of the existing airway would remain as charted.

V–228: V–228 currently extends between the Dells, WI, VORTAC and the Gipper, MI, VORTAC. The FAA proposes to remove the airway segment between the intersection of the Madison, WI, 138° and Chicago O'Hare, IL, 316° radials (BESIE fix) and the intersection of the Chicago O'Hare, IL, 316° and Northbrook, IL, 291° radials (FARMM fix). Additionally, the BESIE fix will be amended in the airway description to describe it as the intersection of the existing Madison, WI, 138° radial and the Badger, WI, 193°(T)/191°(M) radial, and the FARMM fix will be amended in the airway description to describe it as the intersection of the DuPage, IL, 359°(T)/357°(M) radial and the existing Northbrook, IL, 291° radial. The unaffected portions of the existing airway would remain as charted.

All radials in the route descriptions below that are unchanged are stated in True degrees. Radials that are stated in True and Magnetic degrees are new computations based on available NAVAIDS.

VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document would be subsequently published in the Order.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017 and effective September 15, 2017, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–217 [Amended]

From INT Madison, WI, 138°(T)/135°(M) and Badger, WI, 193° radials; Badger; Green Bay, WI; Rhinelander, WI; Duluth, MN; Hibbing, MN; Baudette, MN; INT Baudette 313° and Winnipeg, MB, Canada, 117° radials; to Winnipeg. The airspace within Canada is excluded. In addition, the portion of this airway that lies within the Beaver MOA is excluded when the Beaver MOA is active.

* * * * *

V–228 [Amended]

From Dells, WI; Madison, WI;to INT Madison 138° and Badger, WI, 193°(T)/191°(M) radials. From INT DuPage, IL, 359°(T)/357°(M) and Northbrook, IL, 291° radials; Northbrook; INT Northbrook 110° and Gipper, MI, 290° radials; to Gipper.

Issued in Washington, DC, on April 11, 2018.

Rodger A. Dean Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2018–08033 Filed 4–18–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1303

[Docket No. DEA–480]

RIN 1117–AB48

Controlled Substances Quotas

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Drug Enforcement Administration (DEA) is publishing this proposed rule to strengthen controls over diversion of controlled substances and make other improvements in the quota management regulatory system for the production, manufacturing, and procurement of controlled substances.

DATES: Written comments must be postmarked, and electronic comments must be sent, on or before May 4, 2018. Comments received by mail will be considered timely if they are postmarked on or before the last day of the comment period. The electronic Federal Docket Management System will accept electronic comments until Midnight Eastern Time at the end of that day.

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. DEA–480'' on all correspondence, including any attachment. The Drug Enforcement Administration encourages that all comments be submitted electronically through the Federal eRulemaking Portal which provides the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Please go to *http://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon completion of your submission you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not instantaneously available for public view on *Regulations.gov*. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. Paper comments that duplicate the electronic submission are not necessary and are discouraged. Should you, however, wish to mail a paper comment in lieu of an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–8953.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received are considered part of the public record. They will, unless reasonable cause is given, be made available by the Drug Enforcement Administration (DEA) for public inspection online at *http://www.regulations.gov* and in DEA's public docket. Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be posted online or made available in the public docket, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also place all the personal identifying information you do not want posted online or made available in the public docket in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be posted online or made available in the public docket, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted online or made available in the public docket.

Personal identifying information and confidential business information identified and located as set forth above will be redacted and the comment, in redacted form, will be posted online and placed in DEA's public docket file. Please note that the Freedom of Information Act applies to all comments received. If you wish to inspect the agency's public docket file in person by appointment, please see the **FOR FURTHER INFORMATION** paragraph.

Legal Authority

Provisions of the Controlled Substances Act, 21 U.S.C. 801 *et seq.,* authorize the Attorney General to issue rules and regulations relating to registration and control of the manufacture, distribution, and dispensing of controlled substances and listed chemicals. 21 U.S.C. 821. Pursuant to this authority, the Attorney General, through the Drug Enforcement Administration (DEA), has issued and administers regulations setting aggregate production quotas for each basic class of controlled substances in schedules I and II, manufacturing quotas for individual manufacturers, and procurement quotas for manufacturers to produce other controlled substances or to convert the substances into dosage form. See 21 CFR part 1303.

The current regulations, issued initially in 1971, need to be updated to reflect changes in the manufacture of controlled substances, changing patterns of substance abuse and markets in illicit drugs, and the challenges presented by the current national crisis of controlled substance abuse. This proposed rule modifies the regulations to strengthen controls over diversion—that is, the redirection of controlled substances which may have lawful uses into illicit channels—and makes other improvements in the controlled substance regulatory quota system.

The quota process, in general terms, is a critical element of the Controlled Substances Act's regulatory system that seeks to prevent or limit diversion by preventing the accumulation of controlled substances in amounts exceeding legitimate need. The measures the proposed rule adopts to strengthen the system include authorizing the requisition from quota applicants of additional information helpful in detecting and preventing diversion, and ensuring that DEA's determinations regarding the appropriate quotas are adequately informed by input from other federal agencies, from the states, and from quota applicants.

Section-by-Section Analysis

Section 1303.11—Aggregate Production Quotas

Section 1303.11 in the existing regulations directs the Administrator of DEA to determine the total quantity of each basic class of controlled substance listed in schedule I or II needed in the calendar year for the medical, scientific, research and industrial needs of the United States, for lawful export, and for the establishment and maintenance of reserve stocks. Section 1303.11(b)(1)–(4) identifies a number of factors that are categorically to be considered in determining aggregate production quotas—relating to total net disposal, net disposal trends, inventories and inventory trends, and demand—followed by a final catchall factor, (5), regarding factors to be considered as the Administrator finds relevant. The proposed rule would make two additions to the list of factors that must regularly be considered in setting the aggregate production quotas because of their importance.

First, it would add to the list the extent of any diversion of the controlled substance in the class. This is relevant to ensure that the allowed aggregate production quota is limited to that needed to provide adequate supplies for the United States' legitimate needs.

Second, the proposed rule would amend the list of factors to be considered in establishing these quotas to include relevant information from the Department of Health and Human Services (HHS) and its components, including the Food and Drug Administration (FDA), the Centers for Disease Control and Prevention (CDC), and the Centers for Medicare and Medicaid Services (CMS), as well as relevant information obtained from the states. Pursuant to 42 U.S.C. 242(a), HHS studies the use and misuse of controlled substances and provides, through the FDA, an annual report to the Attorney General concerning the quantities of controlled substances necessary to support the medicinal needs of the United States. The CDC and the CMS may also have relevant information, including information about the prevalence and patterns of drug abuse and the diversion of controlled substances to illicit use. The amendment would ensure that information will be requested from the relevant HHS components and will be considered in setting the aggregate production quotas.

Regarding the states, the proposed rule would provide that the Administrator will consider information from the states in setting the aggregate production quotas and make additional changes enhancing their role in § 1303.11(c). The states are critically situated to provide information about the extent of legitimate and illegitimate use of controlled substances because of their responsibilities for drug enforcement within their jurisdictions, including through the Prescription Drug Monitoring Programs, their responsibilities for administration of their health care systems, and their responsibilities for dealing with the human and social costs of drug abuse and diversion. States may have relevant information indicating that individual procurement quota requests reflect quantities which will in fact be diverted to illicit use, which may in turn yield an exaggerated picture of the aggregate production quotas needed for legitimate purposes. The proposed rule accordingly includes amendments to § 1303.11(c) which provide for (i) transmitting notices of proposed aggregate production quotas, and final aggregate production quota orders, to the state attorney general, and (ii) holding a hearing if necessary to resolve an issue of material fact raised by a state's objection to a proposed aggregate production quota as excessive in relation to legitimate United States need.

Section 1303.12—Procurement Quotas

Section 1303.12 in the regulations directs the Administrator to issue procurement quotas for manufacturers that use controlled substances to put them into dosage form or to make other substances. The section requires applicants for procurement quotas to state what basic class of controlled substance is needed, the purpose or purposes for which the class is desired, the quantity desired for each purpose during the next calendar year, and the quantities used and estimated to be used for each purpose during the current and preceding two calendar years. If the applicant's purpose is to manufacture another basic class of controlled substance, the applicant also must state the quantity of the other basic class that the applicant has applied to manufacture, and the quantity of the first basic class necessary to manufacture a specified quantity of the second basic class.

The proposed rule would amend § 1303.12(b) to clarify that the Administrator may require additional comparable information from applicants that may help to detect or prevent diversion, including customer identities and amounts of the controlled substance sold to each customer.

Section 1303.13—Adjustments of Aggregate Production Quotas

Section 1303.13 authorizes the Administrator, at any time, to increase or reduce the aggregate production quotas for basic classes of controlled substances that were previously fixed pursuant to § 1303.11. The proposed rule would make amendments to § 1303.13 that parallel some of the amendments made to § 1303.11. Specifically, it includes changes in the extent of any diversion of the controlled substance among the factors to be considered in adjusting the aggregate production quota, requires transmission of adjustment notices and final adjustment orders to the state attorney general, and provides for a hearing if necessary to resolve an issue of material fact raised by a state's objection to a proposed adjusted quota as excessive for legitimate United States need.

Section 1303.22—Procedure for Applying for Individual Manufacturing Quotas

The proposed rule would amend § 1303.22 to clarify that the Administrator may require additional information from individual manufacturing quota applicants that may help to detect or prevent diversion, including customer identities and amounts of the controlled substance sold to each customer.

Section 1303.23—Procedures for Fixing Individual Manufacturing Quotas

The proposed rule would amend § 1303.23 to provide that the factors the Administrator may deem relevant in fixing individual manufacturing quotas include the extent and risk of diversion of controlled substances.

Section 1303.32—Purpose of Hearing

The proposed rule includes an amendment relating to hearings in § 1303.32(a), conforming to the amendments to §§ 1303.11(c) and 1303.13(c) concerning hearings based on state objections.

Other Matters

In addition to the significant changes discussed above, the proposed rule would correct a number of typographic errors in the current regulations.

Request for Comments

Some of the proposed rule's provisions, including those relating to seeking information from other federal agencies and the states, and those relating to the holding of hearings based on state objections, are exempt from the notice and comment requirements of the Administrative Procedure Act as ''rules

of agency organization, procedure, or practice.'' 5 U.S.C. 553(b)(A). Regarding the other matters addressed in the proposed rule, DEA particularly seeks comments on the provisions regarding the factors the Administrator shall consider when adjusting the aggregate production quotas (21 CFR 1303.13(b)(1)) and the additional information the Administrator may require from applicants (21 CFR 1303.12(b) and 21 CFR 1303.22).

Insofar as soliciting public comment is necessary or useful, DEA publishes this proposed rule with a 15-day public comment period. This shortened period for public comment is necessary as an element in addressing the largest drug crisis in the nation's history. HHS and DEA have developed extensive information concerning the nature and magnitude of the crisis. See *www.hhs.gov/about/news/2017/10/26/hhs-acting-secretary-declares-public-health-emergency-address-national-opioid-crisis.html; www.cdc.gov/drugoverdose/data* (CDC Epidemic Data); *www.cdc.gov/nchs/products/databriefs/db294.htm* (CDC Overdose Data); *www.samhsa.gov/data/sites/default/files/NSDUH-FFR1-2016/NSDUH-FFR1-2016.pdf* (SAMHSA Data); *www.drugabuse.gov/drugs-abuse/opioids/opioid-overdose-crisis* (NIDA Data); Drug Enforcement Administration, *2017 National Drug Threat Assessment* (Oct. 2017), at v, 25–43 (2017 DEA Data). Salient facts include the following:

Drug overdoses are now the leading cause of injury-related death in the United States, eclipsing deaths from motor vehicle accidents, firearms, homicide, or suicide. There were more than 63,600 overdose deaths in 2016, with opioids as the main driver of such deaths. Overdoses involving opioids killed more than 42,000 people in 2016, with prescription opioids accounting for 40% of the total. Opioid overdose deaths were more than five times higher in 2016 than 1999. 2017 DEA Data at v, 25; CDC Overdose Data; CDC Epidemic Data.

The misuse of controlled prescription drugs, and particularly prescription opioids, has been central to this deadly epidemic. In 2016, of Americans aged 12 or older, an estimated 3.3 million had misused prescription pain relievers during the preceding month and approximately 11.8 million had misused opioids in the past year. Prescription opioid misuse is more common than use of any category of illicit drug in the United States except for marijuana. SAMHSA Data at 14, 16, 20–21.

Users may be initiated into a life of substance abuse and dependency after first obtaining these drugs from their health care providers or without cost from the family medicine cabinet or from friends. Once ensnared, dependency on potent and dangerous street drugs may ensue. About 80% of heroin users first misused prescription opioids. Thus, it may be inferred that current users of heroin and fentanyl largely entered the gateway as part of the populations who previously misused prescription opioids. See NIDA Data.

Street prices for controlled prescription opioids are typically 5 to 10 times their retail value, with steady increases with the relative strength of the drug, fueling the market for prescription medications diverted into illegal channels. For example, hydrocodone combination products—a schedule II prescription drug and also the most prescribed controlled prescription drug in the country—can be purchased for $5 to $7 per tablet on the street. Slightly stronger drugs like oxycodone combined with acetaminophen (*e.g.,* Percocet) can be purchased for $7 to $10 per tablet on the street. Even stronger prescription drugs are sold for as much as $1 per milligram (mg). For example, 30 mg oxycodone (immediate release) and 30 mg oxymorphone (extended release) cost $30 to $40 per tablet on the street. Due in part to the large number of people who abuse licit controlled prescription drugs, other opioids are now being disguised and sold as controlled prescription drugs.

The economic impact of prescription drug abuse was estimated to be $78.5 billion in 2013. Specific costs included increased health care and substance abuse treatment costs, criminal justice costs, and employment-related costs including lost earnings from premature death, reduced compensation, and lost employment. These costs, largely reflecting prescription opioid abuse, represent a substantial and growing economic burden on society. 2017 DEA Data at 40.

This proposed rule's reforms, which will help to control the diversion of controlled substances feeding the crisis described above, must be implemented without delay to permit timely action by the Drug Enforcement Administration, informed by adequate input from manufacturers, other federal agencies, and the states. The affected determinations include the following:

Section 1303.11 in the regulations requires the DEA Administrator to publish notice of the proposed aggregate production quotas for 2019 well in advance in 2018. The proposed rule's amendments to § 1303.11 would expand the factors to be considered by the Administrator to include the extent of diversion and enhance the input and role of other federal agencies and the states in the quota-setting process. Having these reforms in place expeditiously will facilitate the sound proposal and determination of aggregate production quotas for 2019.

Section 1303.12 requires the Administrator to set manufacturers' procurement quotas for 2019 well in advance in 2018; manufacturers' applications were due by April 1, 2018. The proposed rule would amend § 1303.12 to allow the Administrator to require procurement quota applicants to provide additional information that may help to detect or prevent the diversion of controlled substances ostensibly obtained for legitimate dosage form manufacturing. Having this reform in place expeditiously will facilitate the sound determination of procurement quotas for 2019 and help to ensure that controlled substances sought for dosage form manufacturing will not be diverted.

Section 1303.13 allows the Administrator to increase or reduce aggregate production quotas at any time. The proposed amendments would expand the factors to be considered by the Administrator in adjusting aggregate production quotas to include changes in the extent of diversion and make other changes to enhance the input and role of the states in the aggregate production quota adjustment process. Having these reforms in place expeditiously, as well as the amendments to other sections authorizing the requisition of more information from manufacturers bearing on the extent of diversion, will facilitate the sound determination of aggregate production quota adjustments by the Administrator, which may be undertaken at any time.

Sections 1303.22 and 1303.23 require the Administrator to set individual manufacturing quotas for 2019 well in advance in 2018, based on applications the manufacturers must submit by May 1, 2018. The proposed rule's amendments to these sections would authorize the Administrator to require applicants to provide additional information that may help to detect or prevent diversion, and add the extent and risk of diversion to the factors the Administrator may deem relevant in fixing individual manufacturing quotas. Having these reforms in place expeditiously will facilitate the sound determination of the individual manufacturing quotas for 2019.

In sum, the death of over 63,600 Americans from drug overdoses in 2016, and the other human, social, and

economic costs detailed above, make imperative the immediate use of all available tools to prevent the diversion of controlled substances. Delay in the finalization and implementation of this proposed rule would impede putting into effect the diversion countermeasures it authorizes, which will help to stem a source of the flow of controlled substances with legitimate uses into illicit channels. Such delay would prevent in the meantime the alleviation of the toll on human life and health, and the devastating social and economic costs, which shortfalls in the existing regulations facilitate.

Regulatory Flexibility Act

The Administrator, in accordance with the Regulatory Flexibility Act (5 U.S.C. 601–612), has reviewed this proposed rule and by approving it certifies that the rule will not have a significant economic impact on a substantial number of small entities.

The DEA estimates that 325 manufacturers may be affected by the proposed rule, of which 301 manufacturers (92.6% of the total) are small entities. There will not be a significant economic impact on a substantial number of these small entities or any others because, as the ensuing certifications discuss, any overall cost of the rule is not significant.

Executive Orders 12866, 13563, and 13771—Regulatory Planning and Review, and Reducing Regulation and Controlling Regulatory Costs

This regulation has been drafted and reviewed in accordance with Executive Order 12866, ''Regulatory Planning and Review,'' section 1(b), Principles of Regulation, and Executive Order 13563, ''Improving Regulation and Regulatory Review.'' DEA has determined that this proposed rule is not a ''significant regulatory action'' under Executive Order 12866, section 3(f). The DEA analyzed the economic impact of each provision of this proposed rule. Section 1303.11 would be amended to make two additions to the list of factors to be considered by the Administrator in setting the aggregate production quotas. First, it would add the extent of any diversion of the controlled substance in the class. Second, it would add relevant information from HHS and its components, as well as from the states. The DEA has always considered any information obtained from other federal and state government agencies when fixing the aggregate production quotas for a controlled substance. While the DEA may receive additional information that is valuable in detecting and preventing diversion, the DEA has no reason to believe that there will be adverse economic impact or other consequences sufficient to implicate Executive Order (E.O.) 12866.

Additionally, sections 1303.11 and 1303.13 would be amended to require the DEA to transmit copies of aggregate production quotas and any adjustments to those quotas published in the **Federal Register** directly to state attorney general. While the DEA anticipates some labor burden to transmit aggregate production quota notices and orders to each state attorney general, the DEA estimates that this activity will result in a minimal yearly cost to the DEA and that the DEA has sufficient resources to absorb this minimal cost.

Additionally, sections 1303.11, 1303.13, and 1303.32 would be amended to explicitly state that the DEA Administrator shall hold a hearing if he or she determines it is necessary to resolve an issue of material fact raised by a state objecting to the proposed quantity for the class as excessive for legitimate United States need. The estimated yearly cost of this revision will be dependent on the amount of hearings the DEA Administrator determines to be necessary to resolve an issue of material fact raised by a state regarding the aggregate production quota. Hearings regarding aggregate production quotas are infrequent and the DEA estimates that hearings of this type will continue to be infrequent under this proposed rule. For these reasons, the DEA does not expect a material increase in the number of hearings or in the associated costs to DEA or the states.

Sections 1303.12 and 1303.22 would be amended to explicitly state that the Administrator may require additional information from an individual manufacturing or procurement quota applicant, including customer identities and amounts of controlled substances sold to each of their customers. Currently, the DEA can and does request additional information of this nature from quota applicants if deemed necessary. While affording the Administrator express regulatory authority to require such information may result in the receipt of additional information that is valuable in detecting and preventing diversion, it is not expected that the difference will have adverse economic impact or other consequences sufficient to implicate E.O. 12866.

Sections 1303.11, 1303.13, and 1303.23 would be amended to add the requirement that DEA consider diversion of a controlled substance when fixing aggregate production quotas, adjusting aggregate production quotas, and fixing individual manufacturing quotas. When fixing and adjusting the aggregate production quota, or fixing an individual manufacturing quota for a controlled substance, the DEA has always considered all available information regarding the diversion of that controlled substance. While the proposed rule's amendments, as discussed above, may result in the receipt and consideration of additional information relating to diversion, it is not expected that the difference will have adverse economic impact or other consequences sufficient to implicate E.O. 12866.

This proposed rule is not expected to be an E.O. 13771 regulatory action because this proposed rule is not significant under E.O. 12866.

Executive Order 13132—Federalism

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

Executive Order 12988—Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Paperwork Reduction Act

This proposed rule codifies current agency practice under existing approved information collections, and does not impose new information collection requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521.

Unfunded Mandates Reform Act of 1995

This proposed rule will not 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, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This rulemaking is not a major rule as defined by section 251 of the Congressional Review Act. 5 U.S.C. 804. This proposed rule will not result in an

annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

List of Subjects in 21 CFR Part 1303

Administrative practice and procedure, Drug traffic control.

Accordingly, for the reasons stated in the preamble, part 1303 of title 21 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1303—QUOTAS

■ 1. The authority citation for part 1303 continues to read as follows:

Authority: 21 U.S.C. 821, 826, 871(b).

■ 2. In § 1303.11:
■ a. Remove the word ''and'' at the end of paragraph (b)(4).
■ b. Redesignate paragraph (b)(5) as paragraph (b)(7).
■ c. Add new paragraphs (b)(5) and (6).
■ d. In paragraph (c), add the phrase ''and transmitted to each state attorney general'' before the period in the second sentence, add the phrase ''except that the Administrator shall hold a hearing if he determines it is necessary to resolve an issue of material fact raised by a state objecting to the proposed quantity for the class as excessive for legitimate United States need'' before the period in the fourth sentence, remove the word ''such'' in the fifth sentence, add the phrase '', the Administrator'' before ''shall issue'' in the sixth sentence, and add the phrase ''and transmitted to each state attorney general'' before the period in the final sentence.

The additions read as follows:

§ 1303.11 Aggregate production quotas.

* * * * *

(b) * * *

(5) The extent of any diversion of the controlled substance in the class;

(6) Relevant information obtained from the Department of Health and Human Services, including from the Food and Drug Administration, the Centers for Disease Control and Prevention, and the Centers for Medicare and Medicaid Services, and relevant information obtained from the states; and

* * * * *

■ 3. In § 1303.12(b), add after the fifth sentence a new sentence to read as follows:

§ 1303.12 Procurement quotas.

* * * * *

(b) * * * The Administrator may require additional information from an applicant which, in the Administrator's judgment, may be helpful in detecting or preventing diversion, including customer identities and amounts of the controlled substance sold to each customer. * * *

* * * * *

■ 4. In § 1303.13:
■ a. Revise paragraph (b)(1).
■ b. In paragraph (c), add the phrase ''and transmitted to each state attorney general'' before the period in the second sentence, add the phrase '', except that the Administrator shall hold a hearing if he determines it is necessary to resolve an issue of material fact raised by a state objecting to the proposed adjusted quota as excessive for legitimate United States need'' before the period in the fourth sentence, remove the word ''such'' in the fifth sentence, and add the phrase ''and transmitted to each state attorney general'' before the period in the final sentence.

The revision reads as follows:

§ 1303.13 Adjustments of aggregate production quotas.

* * * * *

(b) * * *

(1) Changes in the demand for that class, changes in the national rate of net disposal of the class, changes in the rate of net disposal of the class by registrants holding individual manufacturing quotas for that class, and changes in the extent of any diversion in the class;

* * * * *

§ 1303.21 [Amended]

■ 5. In § 1303.21(a), remove ''§§ '' in the second sentence and add in its place ''§ ''.
■ 6. In § 1303.22:
■ a. In paragraph (c)(2), remove the word ''econolic'' and add in its place the word ''economic''.
■ b. Add paragraph (d).

The addition reads as follows:

§ 1303.22 Procedure for applying for individual manufacturing quotas.

* * * * *

(d) The Administrator may require additional information from an applicant which, in the Administrator's judgment, may be helpful in detecting or preventing diversion, including customer identities and amounts of the controlled substance sold to each customer.

§ 1303.23 [Amended]

■ 7. In § 1303.23, add the phrase ''the extent of any diversion of the controlled substance,'' after ''strikes),'' in paragraph (a)(2), and add the phrase ''any risk of diversion of the controlled substance,'' after ''strikes),'' in paragraph (b)(2).

§ 1303.32 [Amended]

■ 8. In § 1303.32(a), add the phrase ''and shall, if determined by the Administrator to be necessary under § 1303.11(c) or 1303.13(c) based on objection by a state,'' before ''hold a hearing''.

Dated: April 13, 2018.

Robert W. Patterson,

Acting Administrator.

[FR Doc. 2018–08111 Filed 4–18–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2018–0224]

RIN 1625–AA08

Special Local Regulation; Monongahela, Allegheny, and Ohio Rivers, Pittsburgh PA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a special local regulation for parts of the navigable waters of the Allegheny, Monongahela, and Ohio Rivers. This action is necessary to provide for the safety of life on these navigable waters during the weekend of the Kenny Chesney concert at Heinz Field. This proposed rulemaking would prohibit persons and vessels from loitering, anchoring, stopping, mooring, remaining, or drifting in any manner that impedes safe passage of another vessel to any launching ramp, marina, or fleeting area unless authorized by the Captain of the Port Marine Safety Unit Pittsburgh or a designated representative. In addition, this proposed rulemaking would prohibit persons and vessels from loitering, anchoring, stopping, or drifting more than 100 feet from any riverbank unless authorized by the Captain of the Port Marine Safety Unit Pittsburgh or a designated representative. We invite your comments on this proposed rulemaking.

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

ADDRESSES: You may submit comments identified by docket number USCG–

2018–0224 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 MST1 Jennifer Haggins, Marine Safety Unit Pittsburgh, U.S. Coast Guard; telephone 412–221–0807, email *Jennifer.L.Haggins@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Marine Safety Unit Pittsburgh
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

Heinz Field notified the Coast Guard that it would be holding a concert from 4 p.m. to 11 p.m. on June 2, 2018. Heinz Field is located in close proximity to the banks of the Ohio and Allegheny Rivers, which is a high vessel traffic area used by both commercial and recreational vessels. Due to the proximity of Heinz Field to these waterways, it will be a destination for many recreational vessels to anchor and loiter throughout the concert weekend from June 1, 2018 through June 3, 2018. The Coast Guard is concerned about possible collisions that could occur in this area and the impact of vessel congestion on maritime commerce due to transit delays. The Captain of the Port Marine Safety Unit Pittsburgh (COTP) has determined that this special local regulation is necessary to maintain an open navigation channel and ensure the safety of vessels and these navigable waters during the concert weekend.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters adjacent to Heinz Field on the Allegheny, Monongahela, and Ohio Rivers before, during, and after the Kenny Chesney concert weekend. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1233.

The Coast Guard is issuing this notice of proposed rulemaking (NPRM) with a 15-day prior notice and opportunity to comment pursuant to section (b)(3) of the Administrative Procedure Act (APA) (5 U.S.C. 553). This provision authorizes an agency to publish a rule in less than 30 days before its effective date for ''good cause found and published with the rule.'' Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for publishing this NPRM with a 15-day comment period because it is impractical to provide a 30-day comment period. This proposed special local regulation is necessary to ensure the safety of vessels and persons during the concert weekend. It is impracticable to publish an NPRM with a 30-day comment period because we must establish this special local regulation by June 1, 2018. A 15-day comment period would allow the Coast Guard to provide for public notice and comment, but also publish a rule, if adopted, soon enough that the length of the notice and comment period does not compromise public safety.

III. Discussion of Proposed Rule

The COTP proposes to establish a temporary special local regulation for all navigable waters of the Allegheny, Monongahela, and Ohio Rivers between the Ninth Street Highway Bridge at mile marker (MM) 0.8, Allegheny River, Fort Pitt Highway Bridge at MM 0.22, Monongahela River, and West End-North Side Highway Bridge at MM 0.8, Ohio River. The duration of the temporary special local regulation is intended to ensure the safety of vessels on these navigable waters before, during, and after the concert weekend. This proposed rule would apply to any vessel operating within the area, including a naval or public vessel, except a vessel engaged in law enforcement, servicing aids to navigation, or surveying, maintaining, or improving waters within the regulated area. No vessel would be permitted to loiter, anchor, stop, moor, remain or drift in any manner that impedes safe passage of another vessel to any launching ramp, marina, or fleeting area unless authorized by the COTP or a designated representative. In addition, no vessel or person would be permitted to loiter, anchor, stop, remain, or drift more than 100 feet from any riverbank unless authorized by the COTP or a designated representative. Persons and vessels seeking entry into the regulated area must request permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Marine Safety Unit Pittsburgh. They may be contacted on VHF–FM Channel 16. Persons and vessels permitted to enter this regulated area must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size and location of the special local regulation. The special local regulation will impact a small section of the Allegheny, Monongahela, and Ohio Rivers, less than three total miles. Moreover, the special local regulation will not stop vessels from transiting the area, it will only establish certain areas where vessels are prohibited from loitering, anchoring, stopping, or drifting more than 100 feet from any river bank.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year.

Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a special local regulation that prohibits vessels from loitering, anchoring, stopping, remaining or drifting more than 100 feet from any bank. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of Implementation of the National Environmental Policy Act, Department of Homeland Security Instruction Manual 023–01–001–01. A preliminary environmental analysis checklist and Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, 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 CFR1.05–1.

■ 2. Add § 100.T08–0224 to read as follows:

§ 100.T08–0224 Allegheny River, Monongahela River, and Ohio Rivers, Pittsburgh, PA

(a) *Location.* The following is a special local regulation for all navigable waters of the Allegheny, Monongahela, and Ohio Rivers between the Ninth Street Highway Bridge at mile marker (MM) 0.8, Allegheny River, Fort Pitt Highway Bridge at MM 0.22, Monongahela River, and West End-North Side Highway Bridge at MM 0.8, Ohio River.

(b) *Applicability.* This section applies to any vessel operating within the area, including a naval or public vessel, except a vessel engaged in:

(1) Law enforcement;

(2) Servicing aids to navigation; or

(3) Surveying, maintaining, or improving waters within the regulated area.

(c) *Regulations.* (1) In accordance with the general regulations in § 100.801, no vessel shall loiter, anchor, stop, moor, remain or drift in any manner as to impede safe passage of another vessel to any launching ramp, marina, or fleeting area unless authorized by the Captain of the Port Marine Safety Unit Pittsburgh (COTP) or a designated representative.

(2) No vessel shall loiter, anchor, stop, moor, remain or drift at any time more than 100 feet from any riverbank within the regulated area unless authorized by the COTP or a designated representative.

(3) Persons and vessels seeking entry into the regulated area must request permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Marine Safety Unit Pittsburgh. They may be contacted on VHF–FM Channel 16.

(4) Persons and vessels permitted to enter the regulated area must transit at their slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(d) *Effective period.* This section will be effective from 4 p.m. on June 1, 2018 through 3 p.m. on June 3, 2018.

(e) *Informational broadcasts.* The COTP or a designated representative will inform the public of the effective period for the safety zone as well as any changes in the dates and times of enforcement through Local Notice to Mariners (LNMs), Broadcast Notices to Mariners (BNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

Dated: April 13, 2018.

F.M. Smith,

Lieutenant Commander, U.S. Coast Guard, Acting Captain of the Port Marine Safety Unit Pittsburgh.

[FR Doc. 2018–08192 Filed 4–18–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–1112]

RIN 1625–AA00

Safety Zones; Annual Events in the Captain of the Port Buffalo Zone.

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its safety zones regulation for Annual Events in the Captain of the Port Buffalo Zone. This proposed amendment updates 12 permanent safety zones and adds 12 new permanent safety zones. These amendments and additions are necessary to protect spectators, participants, and vessels from the hazards associated with annual maritime events, including fireworks displays, boat races, and air shows. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 21, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2017–1112 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 LT Michael Collet, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9322, email *D09-SMB-SECBuffalo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On June 18, 2008, the Coast Guard published a final rule entitled Safety Zones; Annual Fireworks Events in the Captain of the Port Buffalo Zone in the **Federal Register** (73 FR 28705). This final rule was published after the Coast Guard requested public comments in response to a preceding NPRM in the **Federal Register** (73 FR 18225, April 3, 2008). No public meeting was requested, and none was held.

The legal basis for this proposed rule is the Coast Guard's authority to establish safety zones: 33 U.S.C. 1231; 33 CFR 1.05–1, 160.5; Department of Homeland Security Delegation No. 0170.1.

The purpose of this rulemaking is to update the safety zones in § 165.939 to ensure accuracy of times, dates, and dimensions for various triggering and marine events that are expected to be conducted within the Captain of the Port Buffalo Zone throughout the year. The purpose of the rulemaking is also to ensure vessels and persons are protected from the specific hazards related to the aforementioned events. These specific hazards include obstructions in the waterway that may cause marine casualties; collisions among vessels maneuvering at a high speed within a channel; the explosive dangers involved in pyrotechnics and hazardous cargo; and flaming/falling debris into the water that may cause injuries. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

This proposed rule amends 12 permanent safety zones found within table 165.939 of 33 CFR 165.939. These 12 amendments involve updating the location, size, and/or enforcement times.

Additionally, this proposed rule adds 12 new safety zones to table 165.939 within § 165.939 for annually-reoccurring events in the Captain of the Port Buffalo Zone. These 12 zones were approved and published in the **Federal Register** as temporary safety zones in 2017 and were added in order to protect the public from the safety hazards previously described. A list of specific changes and additions are available in the attachments within this Docket.

The Captain of the Port Buffalo has determined that the safety zones in this proposed rule are necessary to ensure the safety of vessels and people during annual marine or triggering events in the Captain of the Port Buffalo zone. Although this proposed rule will be effective year-round, the safety zones in this proposed rule will be enforced only immediately before, during, and after events that pose a hazard to the public and only upon notice by the Captain of the Port Buffalo.

The Captain of the Port Buffalo will notify the public that the zones in this proposal are or will be enforced by all appropriate means to the affected segments of the public, including publication in the **Federal Register**, as practicable, in accordance with 33 CFR 165.7(a). Such means of notification may also include, but are not limited to, Broadcast Notice to Mariners or Local Notice to Mariners.

All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port Buffalo or his or her designated representative. Entry into, transiting, or anchoring within the safety zones is prohibited unless authorized by the Captain of the Port or

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

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, this NPRM has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zones. The safety zones created by this rule will be relatively small and effective during the time to ensure safety of spectator and participants for the listed triggering or marine events. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security 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 the establishment yearly triggering and marine events on and around Lake Erie, Lake Ontario, and the Saint Lawrence Seaway. 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 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Revise § 165. 939 to read as follows:

§ 165.939 Safety Zones; Annual Events in the Captain of the Port Buffalo Zone.

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

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

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

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

(5) The enforcement dates and times for each of the safety zones listed in Table 165.939 are subject to change, but the duration of enforcement would remain the same or nearly the same total number of hours as stated in the table. In the event of a change, the Captain of the Port Buffalo will provide notice to the public by publishing a Notice of Enforcement in the **Federal Register**, as well as, issuing a Broadcast Notice to Mariners.

(b) *Definitions.* The following definitions apply to this section:

(1) Designated representative means any Coast Guard commissioned, warrant, or petty officers designated by the Captain of the Port Buffalo to monitor a safety zone, permit entry into a safety zone, give legally enforceable orders to persons or vessels within a safety zone, and take other actions authorized by the Captain of the Port Buffalo.

(2) Public vessel means a vessel that is owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(3) Rain date refers to an alternate date and/or time in which the safety zone would be enforced in the event of inclement weather.

(c) *Suspension of enforcement.* The Captain of the Port Buffalo may suspend enforcement of any of these zones earlier than listed in this section. Should the Captain of the Port suspend any of these zones earlier than the listed duration in this section, he or she may make the public aware of this suspension by Broadcast Notice to Mariners and/or on-scene notice by his or her designated representative.

(d) *Exemption.* Public vessels, as defined in paragraph (b) of this section, are exempt from the requirements in this section.

(e) *Waiver.* For any vessel, the Captain of the Port Buffalo or his or her designated representative may waive any of the requirements of this section upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purposes of safety or security.

TABLE 165.939

Event	Location [1]	Enforcement date and time [2]
(a) June Safety Zones		
(1) Festival of the Fish	Vermillion, OH. All U.S. waters within a 420 foot radius of the fireworks launch site located at position 41°25′45″ N, 082°21′54″ W (NAD 83).	The 3rd Saturday in June.
(2) City of Syracuse Fireworks Celebration.	Syracuse, NY. All U.S. waters of Onondaga Lake within a 350 foot radius of land position 43°03′37.0″ N, 076°09′59.0″ W in Syracuse, NY.	The last weekend of June.
(3) Rochester Harbor and Carousel Festival.	Rochester, NY. All U.S. waters of Lake Ontario within a 1,120 foot radius of land position 43°15′40.2″ N, 077°36′05.1″ W in Rochester, NY.	The 4th Monday of June.
(4) Seneca River Days	Baldwinsville, NY. All U.S. waters of the Seneca River within an 840 foot radius of land position 43°09′25.0″ N, 076°20′21.0″ W in Baldwinsville, NY.	The 2nd weekend of June.
(5) Flagship Niagara Mariner's Ball Fireworks.	Erie, PA. All waters of Presque Isle Bay, Erie, PA within a 350-foot radius from the launch site located at position 42°08′22.5″ N, 080°05′15.6″ W.	The 1st weekend in June.

TABLE 165.939—Continued

Event	Location [1]	Enforcement date and time [2]
(6) Hope Chest Buffalo Niagara Dragon Boat Festival.	Buffalo, NY. All waters of the Buffalo River, Buffalo, NY starting at position 42°52′12.0″ N, 078°52′17.0″ W then Southeast to 42°52′03.0″ N, 078°52′12.0″ W then East to 42°52′03.0″ N, 078°52′10.0″ W then Northwest to 42°52′13.0″ N, 078°52′16.0″ W and then returning to the point of origin.	The 3rd weekend in June.
(b) July Safety Zones		
(1) Cleveland Triathlon	Cleveland, OH. All U.S. waters of Lake Erie at North Coast Harbor, Cleveland, OH within 100 feet of a line starting at position 41°30′34.6″ N, 081°41′51.3″ W extending in a straight line to the East Basin Breakwall at position 41°30′51.8″ N, 081°42′08.5″ W.	The 4th or 5th Sunday in July.
(2) Roverfest Fireworks Display ..	Cleveland, OH. All U.S. waters of Lake Erie, Cleveland, OH within a 280 foot radius from position 41°30′34.23″ N, 081°08′55.73″ W.	The 2nd or 3rd weekend in July.
(3) Superboat Grand Prix	Fairport, OH. All U.S. waters of Lake Erie, off of Headlands Beach State Park, Fairport, OH inside an area starting on shore at position 41°44′33″ N, 081°19′14″ W, extending NW in a straight line to position 41°45′00″ N, 081°19′35″ W, then NE in a straight line to position 41°45′59″ N, 081°17′30″ W, and SE back to the shore at position 41°45′43″ N, 081°17′08″ W.	The 3rd weekend in July.
(4) Downtown Cleveland Alliance July 4th Fireworks.	Cleveland, OH. All U.S. waters of Lake Erie and Cleveland Harbor within a 1,000 foot radius of land position 41°30′10″ N, 081°42′36″ W (NAD 83) at Dock 20.	On or around the 4th of July.
(5) Mentor Harbor Yacht Club Fireworks.	Mentor, OH. All U.S. waters of Lake Erie and Mentor Harbor within a 700 foot radius of land position 41°43′36″ N, 081°21′09″ W.	On or around the 4th of July.
(6) Parade of Lights	Cleveland, OH. All U.S. waters within 25 feet of the vessels participating in the Cleveland Parade of Lights in the Cuyahoga River. The safety zone will move with participating vessels as they transit from the mouth of the Cuyahoga River in the vicinity of position 41°29′59″ N, 081°43′31″ W, to Merwin's Wharf in the vicinity of 41°29′23″ N, 081°42′16″ W, and returning to the mouth of the Old River at 41°29′55″ N, 081°42′18″ W.	The 3rd or 4th weekend in July.
(7) Lorain Independence Day Celebration.	Lorain, OH. All U.S waters within a 700 foot radius of the fireworks launch site located at position 41°28′35.42″ N, 082°10′51.28″ W.	On or around the 4th of July.
(8) Conneaut Festival	Conneaut, OH. All U.S. waters within a 570 foot radius of the fireworks launch site located at position 41°58′00.43″ N, 080°33′34.93″ W.	On or around the 4th of July.
(9) Fairport Harbor Mardi Gras ...	Fairport, OH. All U.S. waters within a 275 foot radius of the fireworks launch site located at position 41°45′29.55″ N, 081°16′19.97″ W.	On or around the 4th of July.
(10) Sheffield Lake Community Days.	Sheffield Lake, OH. All U.S. waters of Lake Erie and Sheffield Lake Boat ramp within a 350 foot radius of land position 41°29′27.65″ N, 082°6′47.71″ W.	The 2nd weekend in July.
(11) Bay Village Independence Day Celebration.	Bay Village, OH. All U.S. waters within a 560 foot radius of the fireworks launch site located at position 41°29′23.9″ N, 081°55′44.5″ W.	On or around the 4th of July.
(12) Lake Erie Open Water Swim	Cleveland, OH. All U.S. waters of Lake Erie, south of a line drawn between positions 41°29′30″ N, 081°44′21″ W and 41°29′21″ N, 081°45′04″ W to the shore.	The 2nd or 3rd weekend in July.
(13) Boldt Castle 4th of July Fireworks.	Heart Island, NY. All U.S. waters of the Saint Lawrence River within a 1,120 foot radius of land position 44°20′38.5″ N, 075°55′19.1″ W at Heart Island, NY.	On or around the 4th of July.
(14) Clayton Chamber of Commerce Fireworks.	Calumet Island, NY. All U.S. waters of the Saint Lawrence River within an 840 foot radius of land position 44°15′04.0″ N, 076°05′40″ W at Calumet Island, NY.	On or around the 4th of July.
(15) French Festival Fireworks ...	Cape Vincent, NY. All U.S. waters of the Saint Lawrence River within an 840 foot radius of land position 44°07′54.6.0″ N, 076°20′01.3″ W in Cape Vincent, NY.	The 2nd weekend of July.
(16) Lyme Community Days	Chaumont, NY. All U.S. waters of Chaumont Bay within a 560 foot radius of land position 44°04′06.3″ N, 076°08′56.8″ W in Chaumont, NY.	The 4th weekend of July.
(17) Village Fireworks	Sackets Harbor, NY. All U.S. waters of Black River Bay within an 840 foot radius of land position 43°56′51.9″ N, 076°07′46.9″ W in Sackets Harbor, NY.	On or around the 4th of July.
(18) Can-Am Festival	Sackets Harbor, NY. All U.S. waters of Black River Bay within a 1,120 foot radius of land position 43°57′15.9″ N, 076°06′39.2″ W in Sackets Harbor, NY.	The 3rd weekend of July.

TABLE 165.939—Continued

Event	Location [1]	Enforcement date and time [2]
(19) Brewerton Fireworks	Brewerton, NY. All U.S. waters of Lake Oneida within an 840 foot radius of the barge at position 43°14′16.4″ N, 076°08′03.6″ W in Brewerton, NY.	On or around the 4th of July.
(20) Celebrate Baldwinsville Fireworks.	Baldwinsville, NY. All U.S. waters of the Seneca River within a 700 foot radius of land position 43°09′24.9″ N, 076°20′18.9″ W in Baldwinsville, NY.	The 1st weekend of July.
(21) Island Festival Fireworks	Baldwinsville, NY. All U.S. waters of the Seneca River within a 1,120 foot radius of land position 43°09′22.0″ N, 076°20′15.0″ W in Baldwinsville, NY.	The 1st weekend of July.
(22) Village Fireworks	Sodus Point, NY. All U.S. waters of Sodus Bay within a 1,120 foot radius of land position 43°16′28.7″ N, 076°58′27.5″ W in Sodus Point, NY.	On or around the 4th of July.
(23) A Salute to our Heroes	Hamlin Beach State Park, NY. All U.S. waters of Lake Ontario within a 560 foot radius of land position 43°21′51.9″ N, 077°56′59.6″ W in Hamlin, NY.	The 1st weekend in July.
(24) Olcott Fireworks	Olcott, NY. All U.S. waters of Lake Ontario within a 1,120 foot radius of land position 43°20′23.6″ N, 078°43′09.5″ W in Olcott, NY.	On or around the 4th of July.
(25) North Tonawanda Fireworks	North Tonawanda, NY. All U.S. waters of the East Niagara River within a 1,400 foot radius of land position 43°01′39.6″ N, 078°53′07.5″ W in North Tonawanda, NY.	On or around the 4th of July.
(26) Tonawanda's Canal Fest Fireworks.	Tonawanda, NY. All U.S. waters of the East Niagara River within a 210 foot radius of land position 43°01′17.8″ N, 078°52′40.9″ W in Tonawanda, NY.	The 4th Sunday of July.
(27) Tom Graves Memorial Fireworks.	Port Bay, NY. All waters of Port Bay, NY, within a 840 foot radius of the barge located in position 43°17′52.4″ N, 076°49′55.7″ W in Port Bay, NY.	On or around the 3rd of July.
(28) Oswego Harborfest, Oswego, NY.	Oswego, NY. All waters of Oswego Harbor, Oswego, NY contained within a 700 foot radius of position 43°28′06.9″ N, 076°31′08.1″ W along with a 350 foot radius of the breakwall between positions 43°27′53.0″ N, 076°31′25.3″ W then Northeast to 43°27′58.6″ N, 076°31′12.1″ W.	The last week of July.
(29) Oswego Independence Day Celebration Fireworks.	Oswego, NY. All waters of Lake Ontario, Oswego, NY within a 490-foot radius from the launch site located at position 43°27′55.8″ N, 076°30′59.0″ W.	On or around the 4th of July.
(c) August Safety Zones		
(1) Whiskey Island Paddlefest	Cleveland, OH. All U.S. waters of Lake Erie; Cleveland Harbor, from 41°29′59.5″ N, 081°42′59.3″ W to 41°30′4.4″ N, 081°42′44.5″ W to 41°30′17.3″ N, 081°43′0.6″ W to 41°30′9.4″ N, 081°43′2.0″ W to 41°29′54.9″ N, 081°43′34.4″ W to 41°30′0.1″ N, 081°43′3.1″ W and back to 41°29′59.5″ N, 081°42′59.3″ W (NAD 83).	The 3rd or 4th weekend in August.
(2) D-Day Conneaut	Conneaut, OH. All U.S. waters of Conneaut Township Park, Lake Erie, within an area starting at 41°57′42.6″ N, 080°34′10.8″ W, to 41°58′21.6″ N, 080°34′10.2″ W, then to 41°58′31.8″ N, 080°33′33.0″ W, to 41°58′01.8″ N, 080°33′43.2″ W (NAD 83), and returning to the point of origin.	The 3rd weekend in August.
(3) Celebrate Erie Fireworks	Erie, PA. All U.S. waters of Presque Isle Bay within an 800 foot radius of land position 42°08′19.0″ N, 080°05′29.0″ W in Erie, PA.	The 3rd weekend of August.
(4) Thunder on the Niagara Hydroplane Boat Races.	North Tonawanda, NY. All U.S. waters of the Niagara River near the North Grand Island Bridge, encompassed by a line starting at 43°03′32.9″ N, 078°54′46.9″ W to 43°03′14.6″ N, 078°55′16.0″ W then to 43°02′39.7″ N, 078°54′13.1″ W then to 43°02′59.9″ N, 078°53′42.0″ W and returning to the point of origin.	The 2nd weekend of August.
(d) September Safety Zones		
(1) Madison Light Up the Park	Madison Township, OH. All U.S. waters of Lake Erie, within a 210 ft radius of position 41°50′17″ N and 081°02′51″ W (NAD 83).	The 1st weekend in September.
(2) Cleveland National Airshow	Cleveland, OH. All U.S. waters of Lake Erie and Cleveland Harbor (near Burke Lakefront Airport) from position 41°30′20″ N and 081°42′20″ W to 41°30′50″ N and 081°42′49″ W, to 41°32′09″ N and 081°39′49″ W, to 41°31′53″ N and 081°39′24″ W, then return to the original position (NAD 83).	The Wednesday before Labor Day through Labor Day.

TABLE 165.939—Continued

Event	Location [1]	Enforcement date and time [2]
(3) Head of the Cuyahoga	Cleveland, OH. All U.S. waters of the Cuyahoga River, between a line drawn perpendicular to the river banks from position 41°29′55″ N, 081°42′23″ W (NAD 83) just past the Detroit-Superior Viaduct bridge at MM 1.42 of the Cuyahoga River south to a line drawn perpendicular to the river banks at position 41°28′32″ N, 081°40′16″ W (NAD 83) just south of the Interstate 490 bridge at MM 4.79 of the Cuyahoga River.	The 3rd weekend in September.

[1]All coordinates listed in Table 165.929 reference Datum NAD 1983.
[2]As noted in paragraph (a)(3) of this section, the enforcement dates and times for each of the listed safety zones are subject to change, and will be published in a Notice of Enforcement prior to the event.

Dated: April 12, 2018.

J.S. Dufresne,

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

[FR Doc. 2018–08206 Filed 4–18–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0082]

RIN 1625–AA00

Safety Zones; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its safety zones regulation for Annual Events in the Captain of the Port Lake Michigan zone. This amendment updates two permanent safety zones, adds three new permanent safety zones, and removes one old permanent safety zone. These amendments, additions, and removals are necessary to protect spectators, participants, and vessels from the hazards associated with annual maritime events, including sailing races, boat parades, swim events and air shows. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 21, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0082 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 rule, call or email LT John Ramos, Marine Safety Unit Chicago, U.S. Coast Guard; telephone (630) 986–2155, email *D09-DG-MSUChicago-Waterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On May 9, 2016, the Coast Guard published a Final Rule entitled Safety Zones; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone in the **Federal Register** (81 FR 28024). This final rule published after the Coast Guard requested public comments in response to a preceding NPRM in the **Federal Register** (81 FR 3069, January 20, 2016). No public meeting was requested, and none was held.

The legal basis for this proposed rule is the Coast Guard's authority to establish safety zones: 33 U.S.C. 1231; 33 CFR 1.05–1, 160.5; Department of Homeland Security Delegation No. 0170.1.

The purpose of this rulemaking is to update the safety zones in 33 CFR 165.929 to ensure that they match the times, dates, and dimensions for various marine and triggering events that are expected to be conducted with the Captain of the Port Lake Michigan Zone throughout the year. The purpose of the rulemaking is also to ensure vessels and persons are protected from the specific hazards related to the aforementioned events.

These specific hazards include obstructions to the waterway that may cause marine casualties; collisions among vessels and collisions between vessels and people.

III. Discussion of Proposed Rule

This amendment updates two permanent safety zones, adds three new permanent safety zones, and removes one old permanent safety zone. This proposed rule amends two permanent safety zones found within Table 165.929 in 33 CFR 165.929. These two amendments involve updating the location, size, and/or enforcement times for: one air show in Milwaukee, WI and one sailing race in Chicago, Illinois.

Additionally, this proposed rule adds three new safety zones to Table 165.929 within 33 CFR 165.929 for annually-reoccurring events in the Captain of the Port Lake Michigan Zone. These three zones were added in order to protect the public from the safety hazards previously described. The three additions include two safety zones for boat parades in Milwaukee, WI, and one safety zone for a swim event in Milwaukee, WI. A list of specific changes and additions are available in the attachments within this Docket.

This proposed rule also removes one permanent safety zone found within Table 165.929 in 33 CFR 165.929. The safety zone being removed is the Lubbers Cup Regatta listed as item (b)(2) in Table 165.929. This safety zone is being removed because the Lubbers Cup Regatta marine event was determined to no longer need a safety zone.

The Captain of the Port Lake Michigan has determined that the safety zones in this proposed rule are necessary to ensure the safety of vessels and people during annual marine or triggering events in the Captain of the Port Lake Michigan zone. Although this proposed rule will be effective year-round, the safety zones in this proposed rule will be enforced only immediately before, during, and after events that pose a hazard to the public and only upon notice by the Captain of the Port Lake Michigan.

The Captain of the Port Lake Michigan will notify the public that the zones in this proposal are or will be enforced by all appropriate means to the

affected segments of the public, including publication in the **Federal Register**, as practicable, in accordance with 33 CFR 165.7(a). Such means of notification may also include, but are not limited to, Broadcast Notice to Mariners or Local Notice to Mariners.

All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port Lake Michigan or his or her designated representative. Entry into, transiting, or anchoring within the safety zones is prohibited unless authorized by the Captain of the Port or his or her designated representative. The Captain of the Port or his or her designated representative may be contacted via VHF–FM Channel 16 or at (414) 747–7182.

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 facts that the safety zones created by this rule will be relatively small and effective during the time necessary to ensure safety of spectator and participants for the listed triggering or marine events. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zones, and the rule would allow vessels to seek permission to enter the zones.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, 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 the establishment of safety zones for yearly triggering and marine events on and around Lake Michigan. Normally such actions are categorically excluded from further review under paragraph L60 (a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 165

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

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

PART 165— REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Revise § 165.929 to read as follows:

§ 165.929 Safety Zones; Annual events requiring safety zones in the Captain of the Port Lake Michigan zone.

(a) Regulations. The following regulations apply to the safety zones listed in Table 165.929 of this section.

(1) The general regulations in 33 CFR 165.23.

(2) All vessels must obtain permission from the Captain of the Port Lake Michigan or his or her designated representative to enter, move within, or exit a safety zone established in this section when the safety zone is enforced. Vessels and persons granted permission to enter one of the safety zones listed in this section must obey all lawful orders or directions of the Captain of the Port Lake Michigan or his or her designated representative. Upon being hailed by the U.S. Coast Guard by siren, radio, flashing light or other means, the operator of a vessel must proceed as directed.

(3) The enforcement dates and times for each of the safety zones listed in Table 165.929 are subject to change, but the duration of enforcement would remain the same or nearly the same total number of hours as stated in the table. In the event of a change, the Captain of the Port Lake Michigan will provide notice to the public by publishing a Notice of Enforcement in the **Federal Register**, as well as, issuing a Broadcast Notice to Mariners.

(b) Definitions. The following definitions apply to this section:

(1) Designated representative means any Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port Lake Michigan to monitor a safety zone, permit entry into a safety zone, give legally enforceable orders to persons or vessels within a safety zone, and take other actions authorized by the Captain of the Port Lake Michigan.

(2) Public vessel means a vessel that is owned, chartered, or operated by the United States, or by a State or political subdivision thereof.

(3) Rain date refers to an alternate date and/or time in which the safety zone would be enforced in the event of inclement weather.

(c) Suspension of enforcement. The Captain of the Port Lake Michigan may suspend enforcement of any of these zones earlier than listed in this section. Should the Captain of the Port suspend any of these zones earlier than the listed duration in this section, he or she may make the public aware of this suspension by Broadcast Notice to Mariners and/or on-scene notice by his or her designated representative.

(d) Exemption. Public vessels, as defined in paragraph (b) of this section, are exempt from the requirements in this section.

(e) Waiver. For any vessel, the Captain of the Port Lake Michigan or his or her designated representative may waive any of the requirements of this section upon finding that operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purposes of safety or security.

TABLE 165.929

Event	Location [1]	Enforcement date and time [2]
(a) March Safety Zones		
(1) St. Patrick's Day Fireworks	Manitowoc, WI. All waters of the Manitowoc River within the arc of a circle with a 250-foot radius from a center point launch position at 44°05.492′ N, 087°39.332′ W.	The third Saturday of March; 5:30 p.m. to 7 p.m.
(2) Public Fireworks Display	Green Bay, WI. All waters of the Fox River in the vicinity of the Main Street and Walnut Street Bridge within an area bounded by the following coordinates; 44°31.211′ N, 088°00.833′ W; then southwest along the river bank to 44°30.944′ N, 088°01.159′ W; then southeast to 44°30.890′ N, 088°01.016′ W; then northeast along the river bank to 44°31.074′ N, 088°00.866′ W; then northwest returning to the point of origin.	March 15; 11:50 a.m. to 12:30 p.m. Rain date: March 16; 11:50 a.m. to 12:30 p.m.

TABLE 165.929—Continued

Event	Location [1]	Enforcement date and time [2]
(b) April Safety Zones		
(1) Michigan Aerospace Challenge Sport Rocket Launch.	Muskegon, MI. All waters of Muskegon Lake, near the West Michigan Dock and Market Corp facility, within the arc of a circle with a 1,500-yard radius from the rocket launch site located in position 43°14.018′ N, 086°15.585′ W.	The last Saturday of April; 8 a.m. to 4 p.m.
(c) May Safety Zones		
(1) Tulip Time Festival Fireworks	Holland, MI. All waters of Lake Macatawa, near Kollen Park, within the arc of a circle with a 1000-foot radius from the fireworks launch site in approximate center position 42°47.496′ N, 086°07.348′ W.	The first Saturday of May; 9:30 p.m. to 11:30 p.m. Rain date: The first Friday of May; 9:30 p.m. to 11:30 p.m.
(2) Cochrane Cup	Blue Island, IL. All waters of the Calumet Saganashkee Channel from the South Halstead Street Bridge at 41°39.442′ N, 087°38.474′ W; to the Crawford Avenue Bridge at 41°39.078′ N, 087°43.127′ W; and the Little Calumet River from the Ashland Avenue Bridge at 41°39.098′ N, 087°39.626′ W; to the junction of the Calumet Saganashkee Channel at 41°39.373′ N, 087°39.026′ W.	The first Saturday of May; 6:30 a.m. to 5 p.m.
(3) Rockets for Schools Rocket Launch.	Sheboygan, WI. All waters of Lake Michigan and Sheboygan Harbor, near the Sheboygan South Pier, within the arc of a circle with a 1,500-yard radius from the rocket launch site located with its center in position 43°44.914′ N, 087°41.869′ W.	The first Saturday of May; 8 a.m. to 5 p.m.
(4) Celebrate De Pere Fireworks	De Pere, WI. All waters of the Fox River, near Voyageur Park, within the arc of a circle with a 500 foot radius from the fireworks launch site located in position 44°27.167′ N, 088°03.833′ W.	The Saturday or Sunday before Memorial Day; 8:30 p.m. to 10 p.m.
(d) June Safety Zones		
(1) International Bayfest	Green Bay, WI. All waters of the Fox River, near the Western Lime Company 1.13 miles above the head of the Fox River, within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 44°31.408′ N, 088°00.710′ W.	The second Friday of June; 9 p.m. to 11 p.m.
(2) Harborfest Music and Family Festival.	Racine, WI. All waters of Lake Michigan and Racine Harbor, near the Racine Launch Basin Entrance Light, within the arc of a circle with a 200-foot radius from the fireworks launch site located in position 42°43.722′ N, 087°46.673′ W.	Friday and Saturday of the third complete weekend of June; 9 p.m. to 11 p.m. each day.
(3) Spring Lake Heritage Festival Fireworks.	Spring Lake, MI. All waters of the Grand River within the arc of a circle with a 700-foot radius from a barge in center position 43°04.375′ N, 086°12.401′ W.	The third Saturday of June; 9 p.m. to 11 p.m.
(4) Elberta Solstice Festival	Elberta, MI. All waters of Betsie Lake within the arc of a circle with a 500-foot radius from the fireworks launch site located in approximate center position 44°37.607′ N, 086°13.977′ W.	The last Saturday of June; 9 p.m. to 11 p.m.
(5) World War II Beach Invasion Re-enactment.	St. Joseph, MI. All waters of Lake Michigan in the vicinity of Tiscornia Park in St. Joseph, MI beginning at 42°06.918′ N, 086°29.421′ W; then west/northwest along the north breakwater to 42°06.980′ N, 086°29.682′ W; then northwest 100 yards to 42°07.018′ N, 086°29.728′ W; then northeast 2,243 yards to 42°07.831′ N, 086°28.721′ W; then southeast to the shoreline at 42°07.646′ N, 086°28.457′ W; then southwest along the shoreline to the point of origin.	The last Saturday of June; 8 a.m. to 2 p.m.
(6) Ephraim Fireworks	Ephraim, WI. All waters of Eagle Harbor and Lake Michigan within the arc of a circle with a 750-foot radius from the fireworks launch site located on a barge in position 45°09.304′ N, 087°10.844′ W.	The third Saturday of June; 9 p.m. to 11 p.m.
(7) Thunder on the Fox	Elgin, IL. All waters of the Fox River from the Kimball Street bridge, located at approximate position 42°02.499′ N, 088°17.367′ W, then 1,250 yards north to a line crossing the river perpendicularly running through position 42°03.101′ N, 088°17.461′ W.	Friday, Saturday, and Sunday of the third weekend in June; 10 a.m. to 7 p.m. each day.
(8) Olde Ellison Bay Days Fireworks.	Ellison Bay, WI. All waters of Green Bay, in the vicinity of Ellison Bay Wisconsin, within the arc of a circle with a 400-foot radius from the fireworks launch site located on a barge in approximate center position 45°15.595′ N, 087°05.043′ W.	The fourth Saturday of June; 9 p.m. to 10 p.m.
(9) Sheboygan Harborfest Fireworks.	Sheboygan, WI. All waters of Lake Michigan and Sheboygan Harbor within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 43°44.914′ N, 087°41.897′ W.	June 15; 8:45 p.m. to 10:45 p.m.
(e) July Safety Zones		
(1) Town of Porter Fireworks Display.	Porter, IN. All waters of Lake Michigan within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in center position 41°39.927′ N, 087°03.933′ W.	The first Saturday of July; 8:45 p.m. to 9:30 p.m.

TABLE 165.929—Continued

Event	Location [1]	Enforcement date and time [2]
(2) City of Menasha 4th of July Fireworks.	Menasha, WI. All waters of Lake Winnebago and the Fox River within the arc of a circle with an 800-foot radius from the fireworks launch site located in center position 44°12.017′ N, 088°25.904′ W.	July 4; 9 p.m. to 10:30 p.m.
(3) Pentwater July Third Fireworks	Pentwater, MI. All waters of Lake Michigan and the Pentwater Channel within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 43°46.942′ N, 086°26.625′ W.	July 3; 9 p.m. to 11 p.m. Rain date: July 4; 9 p.m. to 11 p.m.
(4) Taste of Chicago Fireworks	Chicago, IL. All waters of Monroe Harbor and Lake Michigan bounded by a line drawn from 41°53.380′ N, 087°35.978′ W; then southeast to 41°53.247′ N, 087°35.434′ W; then south to 41°52.809′ N, 087°35.434′ W; then southwest to 41°52.453′ N, 087°36.611′ W; then north to 41°53.247′ N, 087°36.573′ W; then northeast returning to the point of origin.	July 3; 9 p.m. to 11 p.m. Rain date: July 4; 9 p.m. to 11 p.m.
(5) St. Joseph Fourth of July Fireworks.	St. Joseph, MI. All waters of Lake Michigan and the St. Joseph River within the arc of a circle with a 1,000-foot radius from the fireworks launch site in position 42°06.867′ N, 086°29.463′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(6) U.S. Bank Fireworks	Milwaukee, WI. All waters and adjacent shoreline of Milwaukee Harbor, in the vicinity of Veteran's park, within the arc of a circle with a 1,200-foot radius from the center of the fireworks launch site which is located on a barge in approximate position 43°02.362′ N, 087°53.485′ W.	July 3; 8:30 p.m. to 11 p.m. Rain date: July 4; 8:30 p.m. to 11 p.m.
(7) Manistee Independence Day Fireworks.	Manistee, MI. All waters of Lake Michigan, in the vicinity of the First Street Beach, within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 44°14.854′ N, 086°20.757′ W.	July 3; 9 p.m. to 11 p.m. Rain date: July 4; 9 p.m. to 11 p.m.
(8) Frankfort Independence Day Fireworks.	Frankfort, MI. All waters of Lake Michigan and Frankfort Harbor, bounded by a line drawn from 44°38.100′ N, 086°14.826′ W; then south to 44°37.613′ N, 086°14.802′ W; then west to 44°37.613′ N, 086°15.263′ W; then north to 44°38.094′ N, 086°15.263′ W; then east returning to the point of origin.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(9) Freedom Festival Fireworks	Ludington, MI. All waters of Lake Michigan and Ludington Harbor within the arc of a circle with a 800-foot radius from the fireworks launch site located in position 43°57.171′ N, 086°27.718′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(10) White Lake Independence Day Fireworks.	Montague, MI. All waters of White Lake within the arc of a circle with an 800-foot radius from a center position at 43°24.621′ N, 086°21.463′ W.	July 4; 9:30 p.m. to 11:30 p.m. Rain date: July 5; 9:30 p.m. to 11:30 p.m.
(11) Muskegon Summer Celebration July Fourth Fireworks.	Muskegon, MI. All waters of Muskegon Lake, in the vicinity of Hartshorn Municipal Marina, within the arc of a circle with a 700-foot radius from a center position at 43°14.039′ N, 086°15.793′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(12) Grand Haven Jaycees Annual Fourth of July Fireworks.	Grand Haven, MI. All waters of the Grand River within the arc of a circle with a 800-foot radius from the fireworks launch site located on the west bank of the Grand River in position 43°3.908′ N, 086°14.240′ W.	July 4; 9 p.m. to 11:30 p.m. Rain date: July 5; 9 p.m. to 11:30 p.m.
(13) Celebration Freedom Fireworks.	Holland, MI. All waters of Lake Macatawa in the vicinity of Kollen Park within the arc of a circle with a 2,000-foot radius of a center launch position at 42°47.440′ N, 086°07.621′ W.	July 4; 10 p.m. to 11:59 p.m. Rain date: July 4; 10 p.m. to 11:59 p.m.
(14) Van Andel Fireworks Show	Holland, MI. All waters of Lake Michigan and the Holland Channel within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in approximate position 42°46.351′ N, 086°12.710′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 3; 9 p.m. to 11 p.m.
(15) Saugatuck Independence Day Fireworks.	Saugatuck, MI. All waters of Kalamazoo Lake within the arc of a circle with a 500-foot radius from the fireworks launch site in center position 42°39.074′ N, 086°12.285′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(16) South Haven Fourth of July Fireworks.	South Haven, MI. All waters of Lake Michigan and the Black River within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in center position 42°24.125′ N, 086°17.179′ W.	July 3; 9:30 p.m. to 11:30 p.m.
(17) Town of Dune Acres Independence Day Fireworks.	Dune Acres, IN. All Waters of Lake Michigan within the arc of a circle with a 700-foot radius from the fireworks launch site located in position 41°39.303′ N, 087°05.239′ W.	The first Saturday of July; 8:45 p.m. to 10:30 p.m.
(18) Gary Fourth of July Fireworks	Gary, IN. All waters of Lake Michigan, approximately 2.5 miles east of Gary Harbor, within the arc of a circle with a 500-foot radius from the fireworks launch site located in position 41°37.322′ N, 087°14.509′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(19) Joliet Independence Day Celebration Fireworks.	Joliet, IL. All waters of the Des Plains River, at mile 288, within the arc of a circle with a 500-foot radius from the fireworks launch site located in position 41°31.522′ N, 088°05.244′ W.	July 3; 9 p.m. to 11 p.m. Rain date: July 4; 9 p.m. to 11 p.m.
(20) Glencoe Fourth of July Celebration Fireworks.	Glencoe, IL. All waters of Lake Michigan in the vicinity of Lake Front Park, within the arc of a circle with a 1,000-foot radius from a barge in position 42°08.404′ N, 087°44.930′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(21) Lakeshore Country Club Independence Day Fireworks.	Glencoe, IL. All waters of Lake Michigan within the arc of a circle with a 600-foot radius from a center point fireworks launch site in approximate position 42°09.130′ N, 087°45.530′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.

TABLE 165.929—Continued

Event	Location [1]	Enforcement date and time [2]
(22) Shore Acres Country Club Independence Day Fireworks.	Lake Bluff, IL. All waters of Lake Michigan within the arc of a circle with a 600-foot radius from approximate position 42°17.847′ N, 087°49.837′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(23) Kenosha Independence Day Fireworks.	Kenosha, WI. All waters of Lake Michigan and Kenosha Harbor within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 42°35.283′ N, 087°48.450′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(24) Fourthfest of Greater Racine Fireworks.	Racine, WI. All waters of Racine Harbor and Lake Michigan within the arc of a circle with a 900-foot radius from a center point position at 42°44.259′ N, 087°46.635′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(25) Sheboygan Fourth of July Celebration Fireworks.	Sheboygan, WI. All waters of Lake Michigan and Sheboygan Harbor, in the vicinity of the south pier, within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 43°44.917′ N, 087°41.850′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(26) Manitowoc Independence Day Fireworks.	Manitowoc, WI. All waters of Lake Michigan and Manitowoc Harbor, in the vicinity of south breakwater, within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 44°05.395′ N, 087°38.751′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(27) Sturgeon Bay Independence Day Fireworks.	Sturgeon Bay, WI. All waters of Sturgeon Bay, in the vicinity of Sunset Park, within the arc of a circle with a 1,000-foot radius from the fireworks launch site located on a barge in position 44°50.562′ N, 087°23.411′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(28) Fish Creek Independence	Fish Creek, WI. All waters of Green Bay, in the vicinity of Fish Creek Harbor, within the arc of a circle with a 1,000-foot radius from the fireworks launch site located on a barge in position 45°07.867′ N, 087°14.617′ W.	July 2; 9 p.m. to 11 p.m. Rain date: July 2; 9 p.m. to 11 p.m.
(29) Fire over the Fox Fireworks	Green Bay, WI. All waters of the Fox River including the mouth of the East River from the Canadian National Railroad bridge in approximate position 44°31.467′ N, 088°00.633′ W then southwest to the Main St. Bridge in approximate position 44°31.102′ N, 088°00.963′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(30) Celebrate Americafest Ski Show.	Green Bay, WI. All waters of the Fox River, including the mouth of the East River from the West Walnut Street Bridge in approximate position 44°30.912′ N, 088°01.100′ W, then northeast to an imaginary line running perpendicularly across the river through coordinate 44°31.337′ N, 088°00.640′ W.	July 4 from 2:30 p.m. to 4:30 p.m. Rain date: July 5; 2:30 p.m. to 4:30 p.m.
(31) Marinette Fourth of July Celebration Fireworks.	Marinette, WI. All waters of the Menominee River, in the vicinity of Stephenson Island, within the arc of a circle with a 900 foot radius from the fireworks launch site in center position 45°6.232′ N, 087°37.757′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(32) Evanston Fourth of July Fireworks.	Evanston, IL. All waters of Lake Michigan, in the vicinity of Centennial Park Beach, within the arc of a circle with a 500-foot radius from the fireworks launch site located in position 42°02.933′ N, 087°40.350′ W.	July 4; 9 p.m. to 11 p.m. Rain date: July 5; 9 p.m. to 11 p.m.
(33) Gary Air and Water Show	Gary, IN. All waters of Lake Michigan bounded by a line drawn from 41°37.217′ N, 087°16.763′ W; then east along the shoreline to 41°37.413′ N, 087°13.822′ W; then north to 41°38.017′ N, 087°13.877′ W; then southwest to 41°37.805′ N, 087°16.767′ W; then south returning to the point of origin.	July 6 thru 10; 8:30 a.m. to 5 p.m.
(34) Annual Trout Festival Fireworks.	Kewaunee, WI. All waters of Kewaunee Harbor and Lake Michigan within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 44°27.493′ N, 087°29.750′ W.	Friday of the second complete weekend of July; 9 p.m. to 11 p.m.
(35) Michigan City Summerfest Fireworks.	Michigan City, IN. All waters of Michigan City Harbor and Lake Michigan within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 41°43.700′ N, 086°54.617′ W.	Sunday of the second complete weekend of July; 8:30 p.m. to 10:30 p.m.
(36) Port Washington Fish Day Fireworks.	Port Washington, WI. All waters of Port Washington Harbor and Lake Michigan, in the vicinity of the WE Energies coal dock, within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 43°23.117′ N, 087°51.900′ W.	The third Saturday of July; 9 p.m. to 11 p.m.
(37) Bay View Lions Club South Shore Frolics Fireworks.	Milwaukee, WI. All waters of Lake Michigan and Milwaukee Harbor, in the vicinity of South Shore Yacht Club, within the arc of a circle with a 900-foot radius from the fireworks launch site in position 42°59.658′ N, 087°52.808′ W.	Friday, Saturday, and Sunday of the second or third weekend of July; 9 p.m. to 11 p.m. each day.
(38) Venetian Festival Fireworks	St. Joseph, MI. All waters of Lake Michigan and the St. Joseph River, near the east end of the south pier, within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 42°06.800′ N, 086°29.250′ W.	Saturday of the third complete weekend of July; 9 p.m. to 11 p.m.
(39) Joliet Waterway Daze Fireworks.	Joliet, IL. All waters of the Des Plaines River, at mile 287.5, within the arc of a circle with a 300-foot radius from the fireworks launch site located in position 41°31.250′ N, 088°05.283′ W.	Friday and Saturday of the third complete weekend of July; 9 p.m. to 11 p.m. each day.

TABLE 165.929—Continued

Event	Location [1]	Enforcement date and time [2]
(40) EAA Airventure	Oshkosh, WI. All waters of Lake Winnebago in the vicinity of Willow Harbor within an area bounded by a line connecting the following coordinates: Beginning at 43°56.822′ N, 088°29.904′ W; then north approximately 5,100 feet to 43°57.653′ N, 088°29.904′ W, then east approximately 2,300 feet to 43°57.653′ N, 088°29.374′ W; then south to shore at 43°56.933′ N, 088°29.374′ W; then southwest along the shoreline to 43°56.822′ N, 088°29.564′ W; then west returning to the point of origin.	The last complete week of July, beginning Monday and ending Sunday; 8 a.m. to 8 p.m. each day.
(41) Saugatuck Venetian Night Fireworks.	Saugatuck, MI. All waters of Kalamazoo Lake within the arc of a circle with a 500-foot radius from the fireworks launch site located on a barge in position 42°39.073′ N, 086°12.285′ W.	The last Saturday of July; 9 p.m. to 11 p.m.
(42) Roma Lodge Italian Festival Fireworks.	Racine, WI. All waters of Lake Michigan and Racine Harbor within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 42°44.067′ N, 087°46.333′ W.	Friday and Saturday of the last complete weekend of July; 9 p.m. to 11 p.m.
(43) Chicago Venetian Night Fireworks.	Chicago, IL. All waters of Monroe Harbor and all waters of Lake Michigan bounded by a line drawn from 41°53.050′ N, 087°36.600′ W; then east to 41°53.050′ N, 087°36.350′ W; then south to 41°52.450′ N, 087°36.350′ W; then west to 41°52.450′ N, 087°36.617′ W; then north returning to the point of origin.	Saturday of the last weekend of July; 9 p.m. to 11 p.m.
(44) New Buffalo Business Association Fireworks.	New Buffalo, MI. All waters of Lake Michigan and New Buffalo Harbor within the arc of a circle with a 800-foot radius from the fireworks launch site located in position 41°48.153′ N, 086°44.823′ W.	July 3rd or July 5th; 9:30 p.m. to 11:15 p.m.
(45) Start of the Chicago to Mackinac Race.	Chicago, IL. All waters of Lake Michigan in the vicinity of the Chicago Harbor Entrance at Chicago IL, within a rectangle that is bounded by a line drawn from 41°53.251′ N, 087°35.393′ W; then east to 41°53.251′ N, 087°34.352′ W; then south to 41°52.459′ N, 087°34.364′ W; then west to 41°52.459′ N, 087°35.393′ W; then north back to the point of origin.	July 22; 2 p.m. to 4:30 p.m. and July 23; 9 a.m. to 3 p.m.
(46) Fireworks at Pier Wisconsin	Milwaukee, WI. All waters of Milwaukee Harbor, including Lakeshore Inlet and the marina at Pier Wisconsin, within the arc of a circle with a 300-foot radius from the fireworks launch site on Pier Wisconsin located in approximate position 43°02.178′ N, 087°53.625′ W.	Dates and times will be issued by Notice of Enforcement and Broadcast Notice to Mariners.
(47) Gills Rock Fireworks	Gills Rock, WI. All waters of Green Bay near Gills Rock WI within a 1,000-foot radius of the launch vessel in approximate position at 45°17.470′ N, 087°01.728′ W.	July 4; 8:30 p.m. to 10:30 p.m.
(48) City of Menominee 4th of July Celebration Fireworks.	Menominee, MI. All Waters of Green Bay, in the vicinity of Menominee Marina, within the arc of a circle with a 900-foot radius from a center position at 45°06.417′ N, 087°36.024′ W.	July 4; 9 p.m. to 11 p.m.
(49) Miesfeld's Lakeshore Weekend Fireworks.	Sheboygan, WI. All waters of Lake Michigan and Sheboygan Harbor within an 800-foot radius from the fireworks launch site located at the south pier in approximate position 43°44.917′ N, 087°41.967′ W.	July 29; 9 p.m. to 10:30 p.m. Rain date: July 30; 9 p.m. to 10:30 p.m.
(50) Marinette Logging and Heritage Festival Fireworks.	Marinette, WI. All waters of the Menominee River, in the vicinity of Stephenson Island, within the arc of a circle with a 900-foot radius from the fireworks launch site in position 45°06.232′ N, 087°37.757′ W.	July 13; 9 p.m. to 11 p.m.
(51) Summer in the City Water Ski Show.	Green Bay, WI. All waters of the Fox River in Green Bay, WI from the Main Street Bridge in position 44°31.089′ N, 088°00.904′ W then southwest to the Walnut Street Bridge in position 44°30.900′ N, 088°01.091′ W.	Each Wednesday of July through August; 6 p.m. to 6:30 p.m. and 7 p.m. to 7:30 p.m.
(52) Holiday Celebration Fireworks	Kewaunee, WI. All waters of Kewaunee Harbor and Lake Michigan within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 44°27.481′ N, 087°29.735′ W.	July 4; 8:30 p.m. to 10:30 p.m. Rain date: July 5; 8:30 p.m. to 10:30 p.m.
(53) Independence Day Fireworks	Wilmette, IL. All waters of Lake Michigan and the North Shore Channel within the arc of a circle with a 1,000-foot radius from the fireworks launch site located at approximate center position 42°04.674′ N, 087°40.856′ W.	July 3; 8:30 p.m. to 10:15 p.m.
(54) Neenah Fireworks	Neenah, WI. All waters of Lake Winnebago within a 700 foot radius of an approximate launch position at 44°11.126′ N, 088°26.941′ W.	July 3 or 4; 8:45 p.m. to 10:30 p.m.
(55) Milwaukee Air and Water Show.	Milwaukee, WI. All waters of Lake Michigan in the vicinity of McKinley Park and Bradford Beach located within an area that is approximately 5,000 yards by 1,500 yards. The area will be bounded by the points beginning at 43°02.455′ N, 087°52.880′ W; then southeast to 43°02.230′ N, 087°52.061′ W; then northeast to 43°04.451′ N, 087°50.503′ W; then northwest to 43°04.738′ N, 087°51.445′ W; then southwest to 43°02.848′ N, 087°52.772′ W; then returning to the point of origin.	Third weekend in July 8 a.m. to 5 p.m.

TABLE 165.929—Continued

Event	Location [1]	Enforcement date and time [2]
(f) August Safety Zones		
(1) Super Boat Grand Prix	Michigan City, IN. All waters of Lake Michigan bounded by a rectangle drawn from 41°43.655′ N, 086°54.550′ W; then northeast to 41°44.808′ N, 086°51.293′ W, then northwest to 41°45.195′ N, 086°51.757′ W; then southwest to 41°44.063′ N, 086°54.873′ W; then southeast returning to the point of origin.	The first Sunday of August; 9 a.m. to 4 p.m. Rain date: The first Saturday of August; 9 a.m. to 4 p.m.
(2) Port Washington Maritime Heritage Festival Fireworks.	Port Washington, WI. All waters of Port Washington Harbor and Lake Michigan, in the vicinity of the WE Energies coal dock, within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 43°23.117′ N, 087°51.900′ W.	Saturday of the last complete weekend of July or the second weekend of August; 9 p.m. to 11 p.m.
(3) Grand Haven Coast Guard Festival Fireworks.	Grand Haven, MI. All waters of the Grand River within the arc of a circle with an 800-foot radius from the fireworks launch site located on the west bank of the Grand River in position 43°03.907′ N, 086°14.247′ W.	First weekend of August; 9 p.m. to 11 p.m.
(4) Sturgeon Bay Yacht Club Evening on the Bay Fireworks.	Sturgeon Bay, WI. All waters of Sturgeon Bay within the arc of a circle with a 500-foot radius from the fireworks launch site located on a barge in approximate position 44°49.297′ N, 087°21.447′ W.	The first Saturday of August; 8:30 p.m. to 10:30 p.m.
(5) Hammond Marina Venetian Night Fireworks.	Hammond, IN. All waters of Hammond Marina and Lake Michigan within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 41°41.883′ N, 087°30.717′ W.	The first Saturday of August; 9 p.m. to 11 p.m.
(6) North Point Marina Venetian Festival Fireworks.	Winthrop Harbor, IL. All waters of Lake Michigan within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 42°28.917′ N, 087°47.933′ W.	The second Saturday of August; 9 p.m. to 11 p.m.
(7) Waterfront Festival Fireworks	Menominee, MI. All Waters of Green Bay, in the vicinity of Menominee Marina, within the arc of a circle with a 1,000-foot radius from a center position at 45°06.447′ N, 087°35.991′ W.	August 3; 9 p.m. to 11 p.m.
(8) Ottawa Riverfest Fireworks	Ottawa, IL. All waters of the Illinois River, at mile 239.7, within the arc of a circle with a 300-foot radius from the fireworks launch site located in position 41°20.483′ N, 088°51.333′ W.	The first Sunday of August; 9 p.m. to 11 p.m.
(9) Chicago Air and Water Show	Chicago, IL. All waters and adjacent shoreline of Lake Michigan and Chicago Harbor bounded by a line drawn from 41°55.900′ N at the shoreline, then east to 41°55.900′ N, 087°37.200′ W, then southeast to 41°54.000′ N, 087°36.000′ W, then southwestward to the northeast corner of the Jardine Water Filtration Plant, then due west to the shore.	August 18 thru 21; 8:30 a.m. to 5 p.m.
(10) Pentwater Homecoming Fireworks.	Pentwater, MI. All waters of Lake Michigan and the Pentwater Channel within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in position 43°46.942′ N, 086°26.633′ W.	Saturday following the second Thursday of August; 9 p.m. to 11 p.m.
(11) Chicago Match Cup Race	Chicago, IL. All waters of Chicago Harbor in the vicinity of Navy Pier and the Chicago Harbor break wall bounded by coordinates beginning at 41°53.617′ N, 087°35.433′ W; then south to 41°53.400′ N, 087°35.433′ W; then west to 41°53.400′ N, 087°35.917′ W; then north to 41°53.617′ N, 087°35.917′ W; then back to point of origin.	August 6 thru 11; 8 a.m. to 8 p.m.
(12) New Buffalo Ship and Shore Fireworks.	New Buffalo, MI. All waters of Lake Michigan and New Buffalo Harbor within the arc of a circle with a 800-foot radius from the fireworks launch site located in position 41°48.150′ N, 086°44.817′ W.	August 10; 9:30 p.m. to 11:15 p.m.
(13) Operations at Marinette Marine	Marinette, WI. All waters of the Menominee River in the vicinity of Marinette Marine Corporation, from the Bridge Street Bridge located in position 45°06.188′ N, 087°37.583′ W, then approximately .95 NM south east to a line crossing the river perpendicularly passing through positions 45°05.881′ N, 087°36.281′ W and 45°05.725′ N, 087°36.385′ W.	This zone will be enforced in the case of hazardous cargo operations or vessel launch by issue of Notice of Enforcement and Marine Broadcast.
(14) Fireworks Display	Winnetka, IL. All waters of Lake Michigan within the arc of a circle with a 900-foot radius from a center point barge located in approximate position 42°06.402′ N, 087°43.115′ W.	Third Saturday of August; 9:15 p.m. to 10:30 p.m.
(15) Algoma Shanty Days Fireworks.	Algoma, WI. All waters of Lake Michigan and Algoma Harbor within the arc of a circle with a 1,000-foot radius from the fireworks launch site located in a center position of 44°36.400′ N, 087°25.900′ W.	Sunday of the second complete weekend of August; 9 p.m. to 11 p.m.
(16) Venetian Night Parade	Chicago, IL. All waters of Lake Michigan, in the vicinity of Navy Pier, bounded by coordinates beginning at 41°53.771′ N, 087°35.815′ W; and then south to 41°53.367′ N, 087°35.814′ W; then west to 41°53.363′ N, 087°36.587′ W; then north to 41°53.770′ N, 087°36.601′ W; then east back to the point of origin.	Last Saturday of August; 6:30 p.m. to 9:30 p.m.
(17) Milwaukee Venetian Boat Parade.	Milwaukee, WI. All waters of Lake Michigan within Milwaukee Bay from McKinley Marina at 43°02.066′ N, 087°52.966′ W; then along Veterans Park shoreline to 43°02.483′ N, 087°53.683; then to the Milwaukee Art Museum at 043°02.366′ N.	Every third Saturday of August; 8 p.m. to 11 p.m.

TABLE 165.929—Continued

Event	Location [1]	Enforcement date and time [2]
(18) Milwaukee Open Water Swim	Milwaukee, WI. All waters on Lake Michigan in the Milwaukee River, between the Milwaukee River and Kinnickinnic River convergence, starting at 43°1′31.908″ N, 87°54′10.900″ W, going north under the I–794 overpass to 43°2′9.2184″ N, 87°54′35.8128″ W, and returning to the starting point.	The second Saturday of August; 6 a.m. to 9 a.m.
(g) September Safety Zones		
(1) ISAF Nations Cup Grand Final Fireworks Display.	Sheboygan, WI. All waters of Lake Michigan and Sheboygan Harbor, in the vicinity of the south pier in Sheboygan Wisconsin, within a 500 foot radius from the fireworks launch site located on land in position 43°44.917′ N, 087°41.850′ W.	September 13; 7:45 p.m. to 8:45 p.m.
(2) Sister Bay Marinafest Ski Show	Sister Bay, WI. All waters of Sister Bay within an 800-foot radius of position 45°11.585′ N, 087°07.392′ W.	September 3; 1 p.m. to 3:15 p.m.
(3) Sister Bay Marinafest Fireworks	Sister Bay, WI. All waters of Sister Bay within an 800-foot radius of the launch vessel in approximate position 45°11.585′ N, 087°07.392′ W.	September 3 and 4; 8:15 p.m. to 10 p.m.
(4) Harborfest Boat Parade	Milwaukee, WI. All waters of Lake Michigan within Milwaukee River and Kinnickinnic River including the Municipal Mooring Basin beginning at Milwaukee River at 43°3.284′ N, 087°54.2673′ W, then south on the Milwaukee River to 43°1.524′ N, 087°54.173′ W, then south on the Kinnickinnic River and ending in the Municipal Mooring Basin at 43°0.8291′ N, 087°54.0751′ W.	The second Saturday of September; 10 a.m. to 2 p.m.
(h) October Safety Zones		
(1) Corn Festival Fireworks	Morris, IL. All waters of the Illinois River within a 560 foot radius from approximate launch position at 41°21.173′ N, 088°25.101′ W.	The first Saturday of October; 8:15 p.m. to 9:15 p.m.
(i) November Safety Zones		
(1) Downtown Milwaukee Fireworks	Milwaukee, WI. All waters of the Milwaukee River in the vicinity of the State Street Bridge within the arc of a circle with a 300-foot radius from a center point fireworks launch site in approximate position 43°02.559′ N, 087°54.749′ W.	The third Thursday of November; 6 p.m. to 8 p.m.
(2) Magnificent Mile Fireworks Display.	Chicago, IL. All waters and adjacent shoreline of the Chicago River bounded by the arc of the circle with a 210-foot radius from the fireworks launch site with its center in approximate position of 41°53.350′ N, 087°37.400′ W.	The third weekend in November; sunset to termination of display.
(j) December Safety Zones		
(1) New Years Eve Fireworks	Chicago, IL. All waters of Monroe Harbor and Lake Michigan within the arc of a circle with a 1,000-foot radius from the fireworks launch site located on a barge in approximate position 41°52.683′ N, 087°36.617′ W.	December 31; 11 p.m. to January 1 at 1 a.m.

[1] All coordinates listed in Table 165.929 reference Datum NAD 1983.
[2] As noted in paragraph (a)(3) of this section, the enforcement dates and times for each of the listed safety zones are subject to change.

Dated: March 22, 2018.

Thomas J. Stuhlreyer,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. 2018–08228 Filed 4–18–18; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2017–0558; FRL–9976–51—Region 6]

Approval and Promulgation of Implementation Plans; Louisiana; Attainment Demonstration for the St. Bernard Parish 2010 SO_2 Primary National Ambient Air Quality Standard Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Clean Air Act (the Act or CAA), the Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision, as supplemented, for the St. Bernard Parish, Louisiana 2010 1-hour sulfur dioxide (SO_2) Primary National Air Quality Standard (NAAQS) nonattainment area. EPA is proposing approval of the following CAA SIP elements: The attainment demonstration for the SO_2 NAAQS, which includes an Agreed Order on Consent (AOC) for the Rain CII Carbon, LLC. (Rain) facility; the reasonable further progress (RFP) plan; the reasonably available control measures (RACM) and reasonably available control technology (RACT) demonstration; the emission inventories; and the contingency measures. The State has demonstrated

that its current Nonattainment New Source Review (NNSR) program covers this NAAQS; therefore, no revision to the SIP is required for the NNSR element.

DATES: Written comments must be received on or before May 21, 2018.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2017–0558, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact Robert Imhoff, 214–665–7262, *imhoff.robert@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Robert Imhoff, 214–665–7262, *imhoff.robert@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Robert Imhoff or Mr. Bill Deese at 214–665–7253.

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

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I. Why was Louisiana required to submit an SO_2 plan for the St. Bernard Parish?

On June 22, 2010, the EPA promulgated a new 1-hour primary SO_2 NAAQS of 75 parts per billion (ppb), which is met at an ambient air quality monitoring site when the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations does not exceed 75 ppb, as determined in accordance with appendix T of 40 CFR part 50. *See* 75 FR 35520, codified at 40 CFR 50.17(a)–(b). On August 5, 2013, the EPA designated a first set of 29 areas of the country as nonattainment for the 2010 SO_2 NAAQS, including the St. Bernard Parish Nonattainment Area [1] within the State of Louisiana. *See* 78 FR 47191, codified at 40 CFR part 81, subpart C. These area designations were effective October 4, 2013. Section 191 of the CAA directs states to submit SIPs for areas designated as nonattainment for the SO_2 NAAQS to the EPA within 18 months of the effective date of the designation, *i.e.,* by no later than April 4, 2015, in this case. Under CAA section 192, these SIPs are required to demonstrate that their respective areas will attain the NAAQS as expeditiously as practicable, but no later than 5 years from the effective date of designation, which is October 4, 2018.

For a number of areas, including the St. Bernard Parish, the EPA published a final ''Findings of Failure to Submit State Implementation Plans Required for Attainment of the 2010 1-Hour Primary Sulfur Dioxide National Ambient Air Quality Standard (NAAQS)'' **Federal Register** notice on March 18, 2016, that found that Louisiana and other pertinent states had failed to submit the required SO_2 nonattainment plan by the required CAA submittal deadline. *See* 81 FR 14736. This finding, effective on April 18, 2016, initiated 18-month and 24-month deadlines under CAA section 179(a) for the imposition of mandatory new source review and highway funding sanctions, respectively, unless by those deadlines the State had submitted a SIP revision deemed by the EPA to be complete. Additionally, under CAA section 110(c), the finding triggered a requirement that the EPA promulgate a federal implementation plan (FIP) within two years of the finding unless, by that time (a) the state has made the necessary complete submittal and (b) EPA has approved the submittal as meeting applicable requirements.

On November 9, 2017, LDEQ submitted a 2010 SO_2 Nonattainment Area SIP revision for St. Bernard Parish to EPA. The LDEQ determined that as a part of the attainment area demonstration, it should include permanent and enforceable restrictions for SO_2 emitted from the Rain CII Carbon, LLC. (Rain) facility. Such limits were originally memorialized into an Administrative Order on Consent (AOC) that was signed on November 9, 2017, and was included in the LDEQ's November 9, 2017, SIP submittal (also included in the docket to this action). In LDEQ's SIP submittal cover letter, dated November 9, 2017, LDEQ committed to ''work toward a SIP revision submittal concerning the pyroscrubber (EQT 004) at the Rain facility no later than March 1, 2018.'' In addition, in LDEQ's responses to comments, LDEQ committed to revise the Rain AOC to ''incorporate limits, monitoring, and recordkeeping requirements that are reflective of the information used in the modeling demonstration in an updated submittal.'' On February 8, 2018, LDEQ submitted a letter to the EPA, accompanied by a new AOC, dated February 2, 2018, executed between LDEQ and Rain, that includes new emissions limits for the Rain facility's cold stack and hot stack/pyroscrubber, as well as monitoring, testing and recordkeeping requirements. LDEQ submitted this as a source specific SIP revision and supplement to the SIP (included in the docket to this action). These emission limits include all operation regimes at the facility, with differing emission limits depending on the stage of operation of the Cold and Hot stacks during the Transitional regime.[2] On February 26, 2018, EPA determined that the State's SO_2 Nonattainment Area SIP revision for St. Bernard Parish was complete under 40

[1] This designation was based on data from the Chalmette Vista monitoring site.

[2] Operations at Rain can be divided into three scenarios: Cold stack operation, hot stack operation, and a transitional period with emissions through both stacks.

CFR part 51, App. V.[3] Consequently, the Act's section 179 sanctions that had or would have applied as a result of the State's previously not submitting a complete SIP no longer apply due to the determination of completeness. See the State's AOC and letter, included in the docket to this action, that serve as a supplement to the SIP, dated February 2, 2018 and February 8, 2018, respectively.[4]

II. Requirements for SO_2 Nonattainment Area Plans

Nonattainment area SIPs must meet the applicable requirements of the CAA, and specifically CAA sections 110, 172, 191 and 192. The EPA's regulations governing nonattainment area SIPs are set forth at 40 CFR part 51, with specific procedural requirements and control strategy requirements residing at subparts F and G, respectively. Soon after Congress enacted the 1990 Amendments to the CAA, the EPA issued comprehensive guidance on SIPs, in a document entitled the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' published at 57 FR 13498 (April 16, 1992) (General Preamble). Among other things, the General Preamble addressed SO_2 SIPs and fundamental principles for SIP control strategies. *Id.,* at 13545–49, 13567–68. On April 23, 2014, the EPA issued recommended guidance for meeting the statutory requirements in SO_2 SIPs, in a document entitled, ''Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions.'' [5] In this guidance, the EPA described the statutory requirements for a complete nonattainment area SIP, which includes: an accurate emissions inventory of current emissions for all sources of SO_2 within the nonattainment area, an attainment demonstration, demonstration of RFP, implementation of RACM (including RACT), an approvable NNSR program, enforceable emissions limitations, and adequate contingency measures for the affected area.

In order for the EPA to fully approve a SIP as meeting the requirements of CAA sections 110, 172 and 191–192 and EPA's regulations at 40 CFR part 51, the SIP for the affected area needs to demonstrate to EPA's satisfaction that each of the aforementioned requirements have been met. Under CAA sections 110(l) and 193, the EPA may not approve a SIP that would interfere with any applicable requirement concerning NAAQS attainment and RFP, or any other applicable requirement under the Act. Furthermore, no requirement in effect, or required to be adopted by an order, settlement, agreement, or plan in effect before November 15, 1990, in any area which is a nonattainment area for any air pollutant, may be modified in any manner unless it insures equivalent or greater emission reductions of such air pollutant.

III. Attainment Demonstration

The CAA section 172(c)(1) directs states with areas designated as nonattainment to demonstrate that the submitted plan provides for attainment of the NAAQS. 40 CFR part 51, subpart G further delineates the control strategy requirements that SIPs must meet, and the EPA has long required that all SIPs and control strategies reflect four fundamental principles of quantification, enforceability, replicability, and accountability. *See* General Preamble, at 13567–68. SO_2 attainment plans must consist of two components: (1) Emission limits and other control measures that assure implementation of permanent, enforceable and necessary emission controls, and (2) a modeling analysis which meets the requirements of 40 CFR part 51, Appendix W (*Guideline on Air Quality Models;* ''the *Guideline*''), and demonstrates that these emission limits and control measures provide for timely attainment of the primary SO_2 NAAQS as expeditiously as practicable, but by no later than the attainment date for the affected area. In all cases, the emission limits and control measures must be accompanied by appropriate methods and conditions to determine compliance with the respective emission limits and control measures and must be quantifiable (*i.e.,* a specific amount of emission reduction can be ascribed to the measures), fully enforceable (specifying clear, unambiguous and measurable requirements for which compliance can be practicably determined), replicable (the procedures for determining compliance are sufficiently specific and non-subjective so that two independent entities applying the procedures would obtain the same result), and accountable (source specific limits must be permanent and must reflect the assumptions used in the SIP demonstrations).

Preferred air quality models for use in regulatory applications are described in Appendix A of the EPA's *Guideline on Air Quality Models* (40 CFR part 51, Appendix W*).*[6] In 2005, the EPA promulgated AERMOD as the Agency's preferred near-field dispersion modeling for a wide range of regulatory applications addressing stationary sources (for example in estimating SO_2 concentrations) in all types of terrain based on extensive developmental and performance evaluation. On July 29, 2015, EPA proposed in the **Federal Register** ''Revisions to the Guideline on Air Quality Models: Enhancements to the AERMOD Dispersion Modeling System and Incorporation of Approaches To Address Ozone and Fine Particulate Matter,'' (the Guideline*),* that provides for EPA's preferred models and other recommended techniques, as well as guidance for their use in estimating ambient concentrations of air pollutants.[7] The Guideline provides additional regulatory options and updated methods or dispersion modeling with AERMOD; the final revisions to the Guideline were promulgated in a **Federal Register** action on January 17, 2017, and became effective on May 22, 2017.[8] In addition to the Guideline, promulgated in 40 CFR part 51, Appendix W, EPA has issued supplemental guidance on modeling for purposes of demonstrating attainment of the 2010 SO_2 standard (see our April 23, 2014 SO_2 nonattainment area SIP guidance document referenced above). Appendix A of the 2014 guidance titled ''Modeling Guidance for Nonattainment Areas,'' is based on and is consistent with the Guideline. Appendix A of the SO_2 guidance memo follows and is consistent with the requirements in 40 CFR part 51 Appendix W. It also provides specific SO_2 modeling guidance on the modeling domain, the source inputs, assorted types of meteorological data, and background concentrations. Consistency with the recommendations in the SO_2 guidance is generally necessary for the attainment demonstration to offer adequately

[3] February 26, 2018 Completeness Determination Letter from Wren Stinger, EPA Region 6 to Chuck Carr Brown, LDEQ.

[4] As noted above, in the ''Findings of Failure to Submit State Implementation Plans Required for Attainment of the 2010 1-Hour Primary Sulfur Dioxide National Ambient Air Quality Standard (NAAQS),'' the finding also triggered a requirement that the EPA promulgate FIP within two years of the finding unless, by that time (a) the state has made the necessary complete submittal and (b) EPA has approved the submittal as meeting applicable requirements.

[5] ''Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions'' available at *https://www.epa.gov/sites/production/files/2016-06/documents/20140423guidance_nonattainment_sip.pdf.*

[6] The EPA published revisions to the *Guideline on Air Quality Models* on January 17, 2017. See 82 FR 5182 (January 17, 2017).

[7] 80 FR 45340 (July 29, 2015).

[8] 82 FR 5182 (January 17, 2017) and 82 FR 14324 (March 20, 2017).

reliable assurance that the plan provides for attainment.

As stated previously, attainment demonstrations for the 2010 1-hour primary SO_2 NAAQS must demonstrate future attainment and maintenance of the NAAQS in the entire area designated as nonattainment (*i.e.,* not just at the violating monitor) by using air quality dispersion modeling in accordance with the Guideline and SO_2 guidance to show that the mix of sources and enforceable control measures and emission rates in an identified area will not lead to a violation of the SO_2 NAAQS. For a short-term (*i.e.,* 1-hour) standard, the EPA has stated that dispersion modeling, using allowable emissions and addressing stationary sources in the affected area (and in some cases those sources located outside the nonattainment area which may affect attainment in the area) is technically appropriate, efficient and effective in demonstrating attainment in nonattainment areas because it takes into consideration combinations of meteorological and emission source operating conditions that may contribute to peak ground-level concentrations of SO_2.

The meteorological data used in the analysis should generally be processed with the most recent version of AERMOD. Estimated concentrations should include ambient background concentrations, should follow the form of the standard, and should be calculated as described in section 2.6.1.2 of the August 23, 2010 clarification memo on ''Applicability of Appendix W Modeling Guidance for the 1-hr SO_2 National Ambient Air Quality Standard.'' [9]

IV. Review of Modeled Attainment Plan

The following discussion evaluates various features of the modeling that Louisiana used in the attainment demonstration, as well as a discussion of the EPA's additional modeling that was conducted as part of the review of the State's SIP. LDEQ submitted modeling at the time of the SIP submittal. However, the state's modeling did not include modeling for all operating scenarios at Rain. In addition, subsequent to the State's modeling, Rain provided updated estimates for stack parameters for the hot stack. LDEQ submitted additional modeling, as noted in the February 8, 2018 letter, that incorporated the updated stack parameters for the hot stack. The 1-hour SO_2 emission limits contained in the February 2, 2018 AOC were designed to ensure compliance with the SO_2 NAAQS. The EPA undertook an additional modeling analysis which also incorporated the amended stack parameters, and utilized more recent allowable emission rates from other contributing sources, an expanded receptor grid, and covered all operating scenarios. The EPA's additional modeling used a more recent version of AERMOD and utilized LDEQ's meteorology, modeling options, land use characterization, building downwash inputs, background concentrations, and source inventory. For the updated modeling, the EPA worked in collaboration with the LDEQ to identify updated emissions rates for the contributing sources based on current permitted limits. The State reviewed EPA's modeling files and agrees with its accuracy.[10] Additional, more detailed discussion of the State's modeling and EPA's modeling is contained in the Technical Support Document (TSD) for this proposed action.

A. Model Selection

Louisiana's attainment demonstration modeling used the Guideline preferred model, AERMOD (version 15181 of AERMOD) with default options (*e.g.,* without use of the ADJ_U* option) and rural dispersion coefficients for this application. We note that since LDEQ originally started their modeling, the AERMOD system has been updated to version 16216r, which is the current preferred version of AERMOD. Based on the parameters and options chosen by LDEQ, and considering the information in the the Model Change Bulletin,[11] we do not expect significant changes to modeled concentration values due to the difference in AERMOD versions. We did not rerun the AERMET meteorological processor data even though the version also changed from 14134 to 16216. The EPA made changes to AERMET in the updated version (16216) to add an additional option (ADJ_U*) to be used in certain situations but that option is not required and was not used by LDEQ.[12] The other changes between AERMET version 14134 and 16216 are minimal and would not result in discernable changes to LDEQ's SIP modeled concentrations.[13]

LDEQ used building information (height, width, and length) to analyze potential building downwash in their modeling, and also chose to use rural characterization instead of urban characterization for vertical mixing and boundary layer calculations. The EPA reviewed the building downwash analysis and concurs with the choice of rural setting for the dispersion. Our review indicates that the modeling options and settings are acceptable and appropriate in the modeling submitted and EPA's modeling (see the TSD for more detail).

B. Meteorological Data

The modeling utilized surface meteorological data obtained from the New Orleans International Airport and upper air data from the Slidell National Weather Station from 2011–2015. The New Orleans International Airport is the closest National Weather Service site, 27 km distant from the Vista monitor, and is representative of the meteorology in the St. Bernard Parish due to the proximity and the similarity of the terrain. The data was processed using the meteorological processing tools, AERMINUTE (14347) and AERMET (14134). Newer versions of the processing programs are available, but based on the changes that the EPA made in AERMINUTE and AERMET (discussed above) we would not expect to see any significant changes even if the data was processed with the latest version of AERMINUTE (v15272) and AERMET (v16216). Therefore, the EPA finds the selection and processing of this data to be acceptable.

C. Emissions Data

There are three major sources of SO_2 emissions located in relative close proximity to the Chalmette-Vista monitor, which is the monitor that recorded SO_2 NAAQS violations on which the 2013 nonattainment designation of the area was based. These sources are located in St. Bernard Parish: Valero Refining, Chalmette Refining, and Rain. Through analysis of air permit data for facilities within 20 kilometers (km) of the violating monitor, LDEQ determined that these three major

[9] Memorandum from Tyler Fox (EPA OAQPS) ''Applicability of Appendix W Modeling Guidance for the 1-hr SO_2 National Ambient Air Quality Standard.'' August 23, 2010.

[10] Email from *Vennetta.Hayes@la.gov* to *Snyder.Erik@epa.gov et al.,* February 21, 2018, 1:53 p.m., included in the docket to this action.

[11] *https://www3.epa.gov/ttn/scram/models/aermod/aermod_mcb12_v16216.pdf.*

[12] ADJ_U* is an option to adjust friction velocity during light winds in the nighttime and was not an issue in this modeling that needed to be utilized as maximum concentrations were during other time of day and meteorological conditions.

[13] When the EPA updated AERMET there were model change bulletins and other information that describe the exact changes. See *https://www.epa.gov/scram/meteorological-processors-and-accessory-programs#aermet.* The EPA provided sensitivity runs to identify results from the differences in files under the Test Cases section at *http://www.epaarchive.cc/node/164075.html.*

sources in the area were the main sources of concern accounting for over 99% of the point source allowable SO_2 emissions in the parish. This is confirmed by review of all SO_2 sources in St. Bernard Parish provided by LDEQ in their emission inventory analysis part of their submittal. LDEQ also evaluated major sources (greater than 100 tpy of SO_2) in the 20–50 km area surrounding the violating monitor and determined that most are located to the north in St. Charles Parish and to the west in Jefferson Parish and not in the predominant wind direction that generates exceedances at the monitor nor at the preliminary modeling maximum area to the west of Rain. LDEQ determined that there are no other major sources within 20 km of the monitor based on the 2014 NEI inventory of actual emissions (See TSD for additional information). Two additional facilities, ConocoPhillips and New Orleans Sewer Treatment, were determined to have possible impacts somewhere in St. Bernard Parish and may not have been fully represented by the background monitoring values, so they were modeled explicitly. Maximum allowable emissions and federally enforceable permit limits were used for all modeled sources within St. Bernard Parish. LDEQ included many small sources of SO_2 in the modeling, 12 sources were included with allowable emission rates of less than 1 tpy with the smallest being 0.005 tpy. Emergency equipment and other very small sources were omitted. Intermittent engines were modeled with annualized emissions based on the ratio of the operating hours to 8760 hours. The remainder of the sources are captured by the background concentrations. The inclusion of these sources assures that Louisiana incorporated all sources in the modeling that are considered to possibly create concentrations and/or concentration gradients in St. Bernard Parish that are not represented by the background monitoring data.

LDEQ used site specific building and stack data and modeled all stacks at the lesser of their actual stack height, or Good Engineering Practice (GEP) stack height as determined by the BPIP PRIME preprocessor. Building downwash influences obtained from the BPIP PRIME output were included in the modeling. For a more detailed analysis and conclusions on what sources were included in the modeling, and how they were modeled see the TSD.

As discussed in the TSD, Rain was identified as the primary contributor to exceedances at the Vista monitor. Louisiana and EPA modeling support the establishment of additional emission limits for Rain. Rain is a coke calcining operation that includes a waste heat recovery boiler. During normal operations, the exhaust from the calining operation is routed through the recovery boiler and then through a scrubber and finally to the atmosphere through what is termed the ''cold stack.'' During start up and times when the recovery boiler is down, emissions are routed to the atmosphere through what is known as the ''hot stack.'' The modeling covers three operation scenarios: Cold stack operation, hot stack operation, and a transitional period with emissions through both stacks. This third operation scenario was further divided into four stages based on flow and temperatures through the cold stack. Because of the wide range of emission rates and plume buoyancy during the startup this approach enabled the determination of emission rates for each stage that were shown through the modeling to be consistent with attainment of the NAAQS. The modeling includes current conditions reflecting the operation of the scrubber and the new cold stack for estimating the impacts of emissions through the cold stack. The 1-hour SO_2 emission limits contained in the February 2, 2018 AOC were designed to ensure compliance with the SO_2 NAAQS. This AOC also incorporated updated information from Rain concerning the hot stack flow rates and temperatures that required additional modeling and refinement of the AOC SO_2 emission limits for the transitional modeling. The modeling also included the two other major sources in St. Bernard Parish (Chalmette Refinery and Valero Refinery) modeled at their short-term SO_2 emission allowables in their existing permits.[14] See below for further details on the emission rates in the State's and EPA's attainment modeling.

Except for the emission points addressed in the February 2, 2018 AOC, the emission limits for the other relevant sources inside St. Bernard Parish, as outlined in Louisiana's attainment demonstration and supplement to the SIP, correspond to the sulfur limitations on a 1-hour basis found in their permits. The emission limits for Rain are all on a 1-hour average basis; and equal the modeled emissions rates. The EPA finds Louisiana's choice of included sources to be appropriate. However, EPA found that the modeled emission rates utilized by LDEQ in their modeling for several sources reflected permit limits that have been modified. For EPA's modeling, we used the updated emission rates. The State reviewed the emission[15] rates used by EPA and determined that they were either accurate or slightly conservative.

D. Receptor Grid

Within AERMOD, air quality concentration results are calculated at discrete locations identified by the user; these locations are called receptors. LDEQ placed receptors within St. Bernard Parish with 100 meter (m) spacing extending 2 km from the fence line of the three major facilities in St. Bernard Parish; spacing is 250 m from 2–7 km; 500 m interval from 7–11 km; and 1,000 m interval from 11–50 km and beyond. In addition, receptors were placed along facility fence lines for the three major facilities, which define the ambient air boundary for a particular source. A receptor grid extends approximately 50 km to the east of the Valero refinery (easternmost large source of SO_2 in St Bernard Parish), but does not go all the way to the eastern edge of the Parish as there are no point sources of SO_2 in that area and the modeled design value isopleths were declining and had declined to less than half the level of the NAAQS. EPA conducted modeling with an expanded receptor grid to ensure that the receptor grid is large enough to capture all areas of concern that may be near the 1-hour SO_2 NAAQS in and near St. Bernard Parish. The EPA modeling analysis also included some receptors to the south of Rain and the Chalmette refinery area in Orleans Parish and Plaquemines Parish. EPA also placed receptors to confirm that no violations would occur on the properties of the three major source facilities if all emissions were modeled except for emissions from that facility (*e.g.* for the Chalmette Refinery property with all emissions except those from the Chalmette Refinery sources). See the TSD for additional information. The expanded modeling domain and receptor network are sufficient to identify maximum impacts from the modeled sources, and detect significant concentration gradients, and are adequate for demonstrating attainment in the nonattainment area and the surrounding area.

[14] Permit No 2500–00001–V16 for Chalmette Refining in the docket as 8–10–17 Valero-Meraux Refinery-permit 2500–0001–V16.pdf (Note the Permit No 2500–0001–V9 included reductions in SO_2 from a Consent Decree); Chalmette Refining Permits (No. 2500–0005–V5, 2933–V6, 2822–V2, 3004–V7, 3011–V3, 3015–V3, 3016–V3, 3017–V5, 3018–V5 30222–V7, 3023–V7) in the docket as Chalmette Refining-Final Permits.pdf

[15] Email from *Vennetta.Hayes@la.gov* to *Snyder.Erik@epa.gov et al.,* February 21 2018 1:53PM, included in the docket to this action.

E. Emission Limits

An important prerequisite for approval of an attainment plan is that the emission limits that provide for attainment be quantifiable, fully enforceable, replicable, and accountable. *See* General Preamble at 13567–68.

Louisiana entered an AOC with Rain on November 9, 2017, and a new AOC on February 2, 2018, pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, *et seq.*). Both AOCs were submitted to EPA as part of the State's SIP revision submittal as a source-specific SIP revision. Louisiana issued a permit to Rain on October 27, 2017 (Permit No. 2500–00006–V3) [16] that included the previous November 9, 2017, AOC limits, but has not yet issued a revised permit to include the new AOC limits that are now included in the February 2, 2018, AOC. In its February 2, 2018 AOC, LDEQ has committed to modify the permit to include all federally enforceable applicable limits listed in the AOC. Louisiana issued the new AOC (February 2, 2018) to incorporate emission limits, monitoring, and recordkeeping requirements that are reflective of the information used in the modeling demonstration. The new AOC also incorporated updated information from Rain concerning the hot stack flow rates and temperatures that required additional modeling and refinement of the AOC SO_2 emission limits for the transitional modeling. We are proposing to approve the February 2, 2018, Rain AOC as a source-specific SIP revision to make it permanent and federally enforceable. The limits in the table below are hourly limits and compliance with the limits is determined using 1-hour average data.

The emissions limits relied upon in the modeling for the other two major sources within the area that could contribute to nonattainment in the area already are federally enforceable because they are reside in NSR SIP permits Valero No. 1500–00001–V16 and Chalmette has 11 permits.[17] The February 2, 2018 AOC for Rain will become federally enforceable as a source-specific revision to the Louisiana SIP if EPA finalizes this proposed approval. The AOC has a compliance date of May 3, 2018.

AOC EMISSION LIMITATIONS

Source ID	Source description	Sulfur dioxide (SO_2) limit
EQT 0003	Waste Heat Boiler/Baghouse	During normal, steady-state operations, with no emissions through the Pyroscrubber Stack (EQT 0004), SO_2 emissions shall be ≤510 lb/hr when stack flow rate ≥110,000 SCFM and stack temperature ≥220□F. If stack flow rate ≥70,000 SCFM and <110,000 SCFM and Temperature is ≥220 °F, SO_2 emissions shall be ≤380 lb/hr.
EQT 0003	Waste Heat Boiler/Baghouse	Stage 1: when the flue gas flow rate <40,000 SCFM or Temperature <90 °F as measured by the CEMS, SO_2 emissions shall be ≤10 lb/hr.
EQT 0003	Waste Heat Boiler/Baghouse	Stage 2: when the flue gas flow rate ≥40,000 SCFM and <70,000 SCFM: • Temperature ≥0 °F and <110 °F as measured by the CEMS, SO_2 emissions shall be ≤75 lb/hr. • Temperature ≥110 °F and <150 °F as measured by the CEMS, SO_2 emissions shall be ≤75 lb/hr. • Temperature ≥150 °F and <220 °F as measured by the CEMS, SO_2 emissions shall be ≤75 lb/hr.
EQT 0003	Waste Heat Boiler/Baghouse	Stage 3: when the flue gas flow rate ≥70,000 SCFM and <110,000 SCFM: • Temperature ≥ 110 °F and <150 °F as measured by the CEMS, SO_2 emissions shall be ≤90 lb/hr. • Temperature ≥150 °F and ≤220 °F as measured by the CEMS, SO_2 emissions shall be ≤90 lb/hr.
EQT 0003	Waste Heat Boiler/Baghouse	Stage 4: when the flue gas flow rate ≥110,000 SCFM and Temperature ≥220 °F as measured by the CEMS, SO_2 emissions shall be ≤50 lb/hr.
EQT 0004	Pyroscrubber Stack	Non-transition operations: No flow through EQT 0003, SO_2 emissions shall be ≤2020 lb/hr.
EQT 0004	Pyroscrubber Stack	Transition Stage 1: EQT 0003 flow rate <40,000 SCFM, SO_2 emissions shall be ≤1,000 lb/hr.
EQT 0004	Pyroscrubber Stack	Transition Stage 2: 40,000 SCFM ≤EQT 0003 flow rate <70,000 SCFM, SO_2 emissions shall be ≤650 lb/hr.
EQT 0004	Pyroscrubber Stack	Transition Stage 3: 70,000 SCFM ≤EQT 0003 flow rate 110,000 SCFM, SO_2 emissions shall be ≤650 lb/hr.
EQT 0004	Pyroscrubber Stack	Transition Stage 4: EQT 0003 flow rate ≥110,000 SCFM, SO_2 emissions shall be ≤400 lb/hr and temperature ≥1,000 °F.

SCFM in Table is wet flow at standard conditions of 20C and standard atmospheric pressure (1,013.25 millibars).

The two other facilities that are located outside of St. Bernard Parish that were included in the modeling are not located in a direction such that they can contribute to the maximum concentrations in St. Bernard Parish (not upwind) so would have a negligable impact on maximum modeled concentrations within St. Bernard Parish. Therefore, LDEQ did not require new SO_2 emission limits on these facilities (ConocoPhillips, and New Orleans Sewer Treatment). EPA has reviewed the facilities' data and notes that the ConocoPhillips facility is 27 km away from the Vista monitor and neither ConocoPhillips nor the New Orleans facility (less than 3 tons per year emissions) are upwind of the maximum modeled concentrations and thus are not critical to demonstrating attainment in the area. EPA agrees with LDEQ's decision not to establish emission limits for these facilities in this SIP.

F. Background Concentrations

To develop background concentrations for the nonattainment area, Louisiana relied on 2012–2014 SO_2 data from the Meraux monitor and

[16] See docket to this action at 10–27–17 NSR-Title V Rain v3 Final.pdf.

[17] Permit No 2500–00001–V16 for Chalmette Refining in the docket as 8–10–17 Valero-MerauxRefinery-permit 2500–0001–V16.pdf (Note the Permit No 2500–0001–V9 included reductions in SO_2 from a Consent Decree); Chalmette Refining Permits (No. 2500–0005–V5, 2933–V6, 2822–V2, 3004–V7, 3011- V3, 3015–V3, 3016–V3, 3017–V5, 3018–V5 30222–V7, 3023–V7) in the docket as ChalmetteRefining-Final Permits.pdf

meteorological data from the Vista monitor (no meteorological data are collected at Meraux). The Meraux and Chalmette Vista (Vista) sites are located only 5 km apart and in similar topography; therefore, meteorological conditions at the Vista monitor are representative of those at Meraux.[18] In determining the monitored background concentration, LDEQ excluded monitored data when the major sources (Rain, Chalmette Refinery and Valero Refinery) were impacting the monitor. A 68-degree sector containing all three sources was identified and hourly SO_2 values corresponding to hours when the wind direction was from within that 68-degree arc and wind speeds were greater than 2 miles per hour were excluded. The 2nd highest value for each season and hour of day was determined for each of the three years 2012–2014. These values were averaged and the resulting set of values were utilized as background. LDEQ also examined more recent monitoring data and determined that subsequent years had lower design values.

These background values are representative of the contribution due to other sources within the St. Bernard Parish and surrounding areas that were not explicitly modeled. See the TSD for additional information. Using this approach, the EPA finds the State's treatment of SO_2 background levels to be suitable for the modeled attainment demonstration.

G. Summary of Results

The modeling analysis including the February 2, 2018 AOC emission limits for the Rain facility resulted in concentrations below the level of the 1-hour primary SO_2 NAAQS. The EPA has reviewed Louisiana's attainment demonstration, conducted additional modeling runs and agrees that Louisiana's submittal and supplemental materials, along with the new AOC limits (February 2, 2018), result in demonstrating attainment of the 1-hour SO_2 NAAQS before the attainment deadline of October 4, 2018. LDEQ reviewed EPA's modeling files and has affirmed that they are accurate and representative.[19]

TABLE 1—SUMMARY OF EPA MODEL RESULTS WITH NUMBER OF OPERATING SCENARIOS MODELED, IF GREATER THAN ONE

Operational status	Design value µg/m3
Cold Stack Normal Operations (Two Scenarios)	192.4
Hot Stack Normal Operations	171.3
Transition (Seven Scenarios)	190.0
Rain Property	146.4
Valero Property	125.5
Chalmette Refinery Property	148.3

We therefore propose to determine that Louisiana's plan provides for attainment of the 2010 primary SO_2 NAAQS in the St. Bernard Parish nonattainment area prior to October 4, 2018.

V. Review of Other Plan Requirements

A. Emissions Inventory

The emissions inventory and source emission rate data for an area serve as the foundation for air quality modeling and other analyses that enable states to: (1) Estimate the degree to which different sources within a nonattainment area contribute to violations within the affected area; and (2) assess the expected improvement in air quality within the nonattainment area due to the adoption and implementation of control measures. As noted above, the state must develop and submit to the EPA a comprehensive, accurate and current inventory of actual emissions from all sources of SO_2 emissions in each nonattainment area, as well as any sources located outside the nonattainment area which may affect attainment in the area. *See* CAA section 172(c)(3).

In its submittal, Louisiana included a current emissions inventory for the St. Bernard Parish nonattainment area based on the 2011–2015 period. Two other sources outside St. Bernard Parish were also included in the modeling, but were not critical to the modeling and thus further emission reductions (or including existing limits in this SIP) were not necessary for these two sources (ConocoPhillips and New Orleans Sewer Treatment).

The State principally relied on 2011 as the most complete and representative record of annual SO_2 emissions because it coincided with the EPA's National Emissions Inventory (NEI), which includes a comprehensive inventory of all source types (point, nonpoint and onroad and off-road mobile sources). Changes to the methodology for the NEI for off-road sources made the 2014 NEI values incomparable to the previous years, but additional emissions information was provided to supplement the 2011 NEI data.

The state of Louisiana compiles a statewide EI in accordance with the CAA Amendments of 1990, LAC 33:III.918 and 919 (Recordkeeping and Annual Reporting and Emissions Inventory). Louisiana supplemented the 2011 NEI data with their 2013 point source EI in the SIP submittal as shown in the following table:[20]

2013 ST. BERNARD PARISH POINT SOURCE EMISSIONS INVENTORY

	Tons per year
Rain Chalmette Coke Plant	3061.88
Chalmette Refinery	255.46
Valero Refinery	200.74
TOCA Gas Processing Plant	3.27
Chalmette Cane Sugar Refinery	0.76
ELOI Bay Platform No. 1	0.41
Southern Natural Gas Co.—Toca Compressor Station	0.17
2013 Point Source Totals	3522.69

In addition, the State further supplemented the emissions inventory information and SIP submittal with newer, more specific emissions information for Rain in the February 2, 2018 AOC, which included revised emission limits and operating parameters utilized in the attainment demonstration modeling.

Louisiana also developed SO_2 emissions projections for the 2018 attainment year. Nonpoint and mobile emissions data was taken from the NEI database. Emissions projections for nonpoint and mobile sources are based on the reductions established in 2005, 2008, and 2011. The emissions estimate for 2018 point sources is based on FY 2013 emissions.

Because St. Bernard Parish is currently an SO_2 nonattainment area, nonattainment new source review (NNSR) requires SO_2 increases from new major sources and major modifications to be offset at > 1 to 1, therefore, the emissions estimate for 2018 point sources is based on FY 2013 emissions at 3,523 tons per year (tpy). Nonpoint and mobile emissions data was taken from the NEI database. The combined emissions estimate for 2018 nonpoint and mobile sources is approximately 625 tpy, approximately the same as current emissions, almost all of which are from nonpoint sources.

[18] We note that the meteorological data collected at the Vista monitor do not meet all the requirements for use as input for air quality modeling. See Section IV. B. for a discussion of the meteorological data used for modeling.

[19] Email from *Vivian.ucoin@LA.gov* to *Snyder.Erik@epa.gov et al.* March 27, 2018 1:28PM included in docket to this action.

[20] The EPA reviewed more recent inventories (2014–2016) and confirmed that emissions were similar with Rain emissions being slightly higher on average and the two refineries (Valero and Chalmette) were lower in more recent years. See St. Bernard EI 2014–2016.xlsx in the docket.

The EPA agrees that the State's emissions inventories for point, nonpoint and mobile sources are appropriate because they rely on well-established and vetted estimates of emissions for the current period and attainment year, respectively.

B. RACM/RACT

To be approved by the EPA, the SIP must provide for attainment of the standard based on SO_2 emission reductions from control measures that are permanent and enforceable. At a minimum, states must consider all RACM and RACT measures that can be implemented in light of the attainment needs for the affected area, and include all necessary measures in order to attain the NAAQS. The definition for RACT is that control technology which is necessary to achieve the NAAQS (see 40 CFR 51. 100(o)). Since SO_2 RACT is already defined as the technology necessary to achieve NAAQS, control technology which failed to achieve the SO_2 NAAQS would, by definition, fail to be SO_2 RACT. *See* General Preamble at 57 FR 13498, 13547.[21] Louisiana's submittal and supplement meets this requirement for the 1-hour SO_2 NAAQS in the St. Bernard Parish nonattainment area as the control measures implemented in the plan have been shown to achieve attainment.

The plan relies on ambient SO_2 concentration reductions achieved by implementation of an AOCand permitted limits at Rain and permitted limits at Valero and Chalmette Refining. Rain achieved reductions by replacing the existing stack for the Waste Heat Boiler/Baghouse (EQT003) with a new stack with a height of approximately 199 feet; [22] and replacing the lime injection system with an SO_2 scrubber and baghouse.[23] The Waste Heat Boiler/Baghouse began venting through the new stack on October 10, 2013. The SO_2 scrubbing system was operational before February 29, 2016. The impact of these measures had an apparent positive impact on the measured SO_2 concentrations at the relevant (Chalmette Vista) SO_2 monitor based on the recent reduction in observed concentrations.

Further improvements will be achieved through the implementation of the February 2, 2018 AOC that sets operating parameters and emission limits for all three operating states: 1) Emit through Hot Stack; 2) Emit through Cold Stack; and 3) Transition between the two states during which emissions are through both stacks. It also further reduced the emission limits for the cold stack providing for an additional 57–78% reduction in cold stack emissions.

The final emission limitations as included in the February 2, 2018 AOC are provided in Section IV.E. Emission Limitations above.

Valero Refining completed SO_2 reductions and revised their permit to incorporate the lowering of flare emissions due to the installation of a flare gas recovery system in Permit No. 2500–00001–V12 issued March 9, 2016. The Chalmette Refinery made all the consent decree SO_2 reductions with the last requirements met by December 31, 2016, with a flare management plan (Permit No. 3016–V4). Rain has installed controls to help reduce its impacts, *e.g.,* the installation and venting through a taller stack by October 10, 2013, and the installation and operation of a SO_2 scrubber by February 29, 2016.

Motor Vehicles in the general area have reduced SO_2 emissions through the implementation of federal programs, such as Tier 3 vehicle emission and fuel standards that have begun in 2017. Tier 3 sets new vehicle emissions standards and lowers the sulfur content of gasoline, considering the vehicle and its fuel as an integrated system. Specifically, Federal gasoline will not contain more than 10 parts per million (ppm) of sulfur on an annual average basis by January 1, 2017.

Louisiana has determined that these measures for Rain in addition to the permitted limits at Valero Refining, and Chalmette Refining, provide for timely attainment and meet the RACT requirements.[24] The EPA concurs and proposes to conclude that the state has satisfied the requirement in section 172(c)(1) to adopt and submit all RACM, including RACT, as needed to attain the standards as expeditiously as practicable.

C. New Source Review (NSR)

The EPA has approved both Louisiana's NNSR and Emission Reduction Credits (ERC) banking programs. (LAC 33:111.504 was approved on September 30, 2002 (67 FR 61270); LAC 33:III.Chapter 6 was approved on September 27, 2002 (67 FR 60877)). Note that per a rule revision promulgated November 20, 2012 (AQ 327), (See App. D to SIP), revisions to LDEQ's ERC banking program (LAC 33:III.Chapter 6) were made such that creditable SO_2 reductions could be banked and traded as ERC. No further revisions to LAC 33:III.504 or Chapter 6 are required to implement the NNSR program in St. Bernard Parish. These rules provide for appropriate new source review for SO_2 major sources undergoing construction or major modification in St. Bernard Parish without need for modification of the approved rules. Therefore, the EPA concludes that this requirement has already been met for this area.

D. Reasonable Further Progress (RFP)

Section 171(1) of the CAA defines RFP as ''such annual incremental reductions in emissions of the relevant air pollutant as are required by part D or may reasonably be required by EPA for the purpose of ensuring attainment of the applicable NAAQS by the applicable attainment date.'' This definition is most appropriate for pollutants that are emitted by numerous and diverse sources, where the relationship between any individual source and the overall air quality is not explicitly quantified, and where the emission reductions necessary to attain the NAAQS are inventory-wide. See April 2014 SO_2 Guidance memo, page 40.[25] EPA has also previously explained that the definition is generally less pertinent to pollutants like SO_2 that usually have a limited number of sources affecting areas of air quality that are relatively well defined, and emissions control measures for such sources result in swift and dramatic improvement in air quality.[26] For SO_2, there is usually a single ''step'' between

[21] See CAA section 110(a)(2)(A) and CAA 172(c)(1) that provides that ''[s]uch plan shall provide for the implementation of all reasonably available control measures as expeditiously as practicable (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology) and shall provide for attainment of the national primary ambient air quality standards.''

[22] Pursuant to an AOC, entered into by LDEQ and Rain, Rain was to replace the stack with a new stack of approximately 199 feet. The new stack was in operation prior to December 31, 2013. Enforcement Tracking No. AE–AOA–13–00490, effective June 20, 2013.

[23] Rain CII Chalmette NSR Title V Permit October 27 2017, in docket as 10–27–17 NSR-Title V Rain v3 Final.pdf

[24] Permit No 2500–00001–V16 for Chalmette Refining in the docket as 8–10–17 Valero-MerauxRefinery-permit 2500–0001–V16.pdf (Note the Permit No 2500–0001–V9 included reductions in SO_2 from a Consent Decree); Chalmette Refining Permits (No. 2500–0005–V5, 2933–V6, 2822–V2, 3004–V7, 3011- V3, 3015–V3, 3016–V3, 3017–V5, 3018–V5 30222–V7, 3023–V7) in the docket as ChalmetteRefining-Final Permits.pdf.

[25] April 23, 2014 Guidance for 1-Hour SO_2 Nonattinment Area SIP Submissions which can be found at: *https://www.epa.gov/sites/production/files/2016-06/documents/20140423guidance_nonattainment_sip.pdf.*

[26] See SO_2 Guideline Document, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, EPA–452/R–94·008, February 1994. (See *https://nepis.epa.gov/Exe/ZyPDF.cgi/2000H22J.PDF?Dockey=2000H22J.PDF*).

pre-control nonattainment and post-control attainment. Therefore, for SO_2, with its discernible relationship between emissions and air quality, and significant and immediate air quality improvements, RFP is best construed as ''adherence to an ambitious compliance schedule.'' See General Preamble at 74 FR 13547 (April l6, 1992). This means that the State must ensure that affected sources implement appropriate control measures as expeditiously as practicable in order to ensure attainment of the standard by the applicable attainment date.

In its submittal and supplement, the LDEQ provided its rationale for concluding that the plan met the requirement for RFP in accordance with EPA guidance. Specifically, LDEQ's rationale is based on the General Preamble and EPA 2014 SO_2 guidance interpreting the RFP requirement being satisfied for SO_2 if the plan requires ''adherence to an ambitious compliance schedule'' that ''implement[s] appropriate control measures as expeditiously as practicable.'' The submittal and supplement provide for attainment as expeditiously as practicable, *i.e.,* by the attainment date of October 4, 2018, and thereby satisfy the requirement for RFP. As noted previously, there are three major sources in the area that are the main sources of concern: Valero Refining, Chalmette Refining, and Rain. The two point sources (Valero and Chalmette) are subject to emissions reductions from consent decrees that have been included in NSR SIP permits. Valero Refining completed all the consent decree's SO_2 reductions and revised their permit to incorporate the lowering of flare emissions due to the flare gas recovery system in Permit No. 2500–00001–V12 issued March 9, 2016. The Chalmette Refinery made all the consent decree's SO_2 reductions with the last requirements met by December 31, 2016, with a flare management plan (Permit No. 3016–V4). Rain entered into a February 2. 2018, AOC that requires compliance by May 3, 2018, and if finalized as a SIP revision, will become federally enforceable. Therefore, Louisiana concluded that its SIP submittal and supplement provide for RFP in accordance with the approach to RFP described in the EPA's SO_2 guidance and the Preamble. The EPA concurs and proposes to conclude that the SIP submittal and supplement provides for RFP.

E. Contingency Measures

As discussed in our 2014 SO_2 guidance, Section 172(c)(9) of the CAA defines contingency measures as such measures in a SIP that are to be implemented in the event that an area fails to make RFP, or fails to attain the NAAQS, by the applicable attainment date. Contingency measures are to become effective without further action by the state or the EPA, where the area has failed to (1) achieve RFP or (2) attain the NAAQS by the statutory attainment date for the affected area. These control measures are to consist of other available control measures that are not included in the control strategy for the nonattainment area SIP. EPA guidance describes special features of SO_2 planning that influence the suitability of alternative means of addressing the requirement in section 172(c)(9) for contingency measures for SO_2. Because SO_2 control measures are by definition based on what is directly and quantifiably necessary emissions controls, any violations of the NAAQS are likely related to source violations of a source's permit or agreed order terms. Therefore, an appropriate means of satisfying this requirement for SO_2 is for the state to have a comprehensive enforcement program that identifies sources of violations of the SO_2 NAAQS and to undertake an aggressive follow-up for compliance and enforcement.

For its contingency program, Louisiana proposed to operate a comprehensive program to identify sources of violations of the SO_2 NAAQS and undertake aggressive compliance and enforcement actions. Louisiana has regulatory authority to implement emergency rules for cause which may include violations of the NAAQS. More specifically, Louisiana proposed an analysis to determine the cause of any violation of the SO_2 NAAQS, followed by identification and implementation of appropriate control measures at major SO_2 sources through the use of emergency rules and/or administrative orders. Because the LDEQ has the ability to issue administrative orders and/or emergency rules that do not require public notice or comment and would use that process, as needed, to quickly implement measures to protect public health, the EPA believes that this approach continues to be a valid approach for the implementation of contingency measures to address the 2010 SO_2 NAAQS.

As noted above, EPA guidance describes special features of SO_2 planning that influence the suitability of alternative means of addressing the requirement in section 172(c)(9) for contingency measures for SO_2, such that in particular an appropriate means of satisfying this requirement is for the state to have a comprehensive enforcement program that identifies sources of violations of the SO_2 NAAQS and to undertake an aggressive follow-up for compliance and enforcement. Louisiana's plan provides for satisfying the contingency measure requirement in this manner. The EPA concurs and proposes to approve Louisiana's plan for meeting the contingency measure requirement in this manner.

VI. Conformity

Generally, as set forth in section 176(c) of the CAA, conformity requires that actions by federal agencies do not cause new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS. General conformity applies to federal actions, other than certain highway and transportation projects, if the action takes place in a nonattainment area or maintenance area (*i.e.,* an area which submitted a maintenance plan that meets the requirements of section 175A of the CAA and has been redesignated to attainment) for ozone, particulate matter, nitrogen dioxide, carbon monoxide, lead, or SO_2. EPA's General Conformity Rule (40 CFR 93.150 to 93.165) establishes the criteria and procedures for determining if a federal action conforms to the SIP. With respect to the 2010 SO_2 NAAQS, federal agencies are expected to continue to estimate emissions for conformity analyses in the same manner as they estimated emissions for conformity analyses under the previous NAAQS for SO_2. EPA's General Conformity Rule includes the basic requirement that a federal agency's general conformity analysis be based on the latest and most accurate emission estimation techniques available (40 CFR 93.159(b)). When updated and improved emissions estimation techniques become available, EPA expects the federal agency to use these techniques.

Transportation conformity determinations are not required in SO_2 nonattainment and maintenance areas. EPA concluded in its 1993 transportation conformity rule that highway and transit vehicles are not significant sources of SO_2. Therefore, transportation plans, transportation improvement programs and projects are presumed to conform to applicable implementation plans for SO_2. (*See* 58 FR 3776, January 11, 1993.)

VII. EPA's Proposed Action

The EPA is proposing to approve Louisiana's SIP submission, which the State submitted to EPA on November 9, 2017, and supplemented on February 8, 2018, as meeting the requirements for attainment as expeditiously as practicable but no later than October 4,

2018, and other nonattainment area planning requirements for the St. Bernard Parish Nonattainment Area. This 2010 1-hour SO_2 SIP submittal includes Louisiana's attainment demonstration for the St. Bernard Parish Nonattainment Area, including a new February 2, 2018 AOC for Rain that serves as a source-specific SIP revision, and the other CAA required elements including RFP, a RACT/RACM demonstration, base-year and projection-year emission inventories, and contingency measures. We are proposing to approve the February 2, 2018, Rain AOC as a source-specific revision to the SIP. Louisiana also demonstrated it met the requirements regarding NNSR for SO_2 and the EPA approved this program.

The EPA has determined that Louisiana's SO_2 attainment plan meets applicable requirements of the sections 110, 172, 173, 191, and 192 of the CAA. EPA's analysis is discussed in this proposed rulemaking and in our TSD that is available on-line at *www.regulations.gov,* Docket No. EPA–R06–OAR–2017–0558. The TSD provides additional explanation of the EPA's analysis supporting this proposal.

VIII. Incorporation by Reference

In this action, we are proposing to include in a final rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are proposing to incorporate by reference revisions to the Louisiana source-specific requirements as described in the Proposed Action section above. We have made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and in hard copy at the EPA Region 6 office (please contact Robert Imhoff, 214–665–7262, *imhoff.robert@epa.gov* for more information).

IX. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: April 12, 2018.

Anne Idsal,

Regional Administrator, Region 6.

[FR Doc. 2018–08067 Filed 4–18–18; 8:45 am]

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Notices

Federal Register
Vol. 83, No. 76
Thursday, April 19, 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

Forest Service

Wayne National Forest: Athens, Gallia, Hocking, Jackson, Lawrence, Monroe, Morgan, Noble, Perry, Scioto, Vinton and Washington Counties; Ohio; Assessment Report of Ecological, Social and Economic Conditions, Trends and Sustainability for the Wayne National Forest

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: The Wayne National Forest (Wayne), located in the Unglaciated Allegheny Plateau of southeast Ohio, is initiating the forest planning process pursuant to the 2012 Planning Rule. This process will result in a revised and updated Natural Resource Land Management Plan for the Wayne, often referred to as the Forest Plan, which will guide all resource management activities on the Wayne for approximately the next fifteen years. The current Wayne Forest Plan was completed in 2006.

The plan revision process encompasses three stages: Assessment, plan development, and implementation and monitoring. This notice announces the initiation of the assessment phase, the first stage of the plan revision process. The assessment shall rapidly identify and consider relevant and readily accessible information about ecological, social and economic conditions and trends in the planning area. Findings will be documented in an assessment report that will be available for public comment.

DATES: In the spring and summer of 2018, the public is invited to participate in the assessment phase of the revision process, for which public engagement opportunities will be posted on the Wayne Forest Plan Revision website located at: *https://www.fs.usda.gov/wayne/landmanagement/planning.*

Information will also be sent to electronic mailing lists, social media, and media outlets. If members of the public are interested in learning more, please visit the Forest Plan Revision website and select the link to subscribe to updates on the Wayne Forest Plan Revision. Information can also be obtained by sending an email to *WaynePlanRevision@fs.fed.us.*

The draft assessment report for the Wayne National Forest is expected to be completed by August 2018 and will be posted on the Wayne Forest Plan Revision website listed above for review. The final assessment report is expected to be completed by October 2018. The assessment will inform the need for changes required in the existing forest plan. Wayne National Forest will then initiate procedures pursuant to the National Environmental Policy Act (NEPA) and prepare and evaluate a revised Forest Plan.

ADDRESSES: Send written comments to: Wayne National Forest, Attn: Plan Revision, 13700 US HWY 33, Nelsonville, OH 45764. Written comments may also be sent via email to *WaynePlanRevision@fs.fed.us,* or via facsimile to 740–753–0118. All correspondence, including names and addresses when provided, will be placed in the record and will be available for public inspection and copying.

FOR FURTHER INFORMATION CONTACT: Lori Swiderski, Revision Project Director, 740–753–0859, *WaynePlanRevision@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The National Forest Management Act (NFMA) of 1976 requires that every National Forest System (NFS) unit develop a Land and Resource Management Plan, often called a Forest Plan. On April 9, 2012, the Forest Service finalized its land management planning rule, referred to as the 2012 Planning Rule (26 CFR 219), which describes requirements for the planning process and provides programmatic direction to National Forests and National Grasslands for developing and implementing their forest plans. Forest Plans describe the strategic direction for management of forest resources, and are adaptive and amendable as conditions change over time, in order to remain relevant for their intended application period of 10–15 years.

Similar to the 2008 Planning Rule, the 2012 Planning Rule requires each national forest to outline desired conditions for each management area, specify objectives to achieve those conditions, and engage the public extensively throughout the plan revision process. However, the 2012 Planning Rule diverges from previous iterations in several guiding concepts and substantive components, particularly in relying on the concept of ecological integrity to frame plan assessment, develop plan components, and fulfill monitoring requirements. Based on current estimates, it is expected to take two years to produce a revised Forest Plan.

Pursuant to the 2012 Planning Rule, the revision process encompasses three stages: Assessment, plan revision and monitoring.

Assessment—This notice announces the start of the first stage of the process, during which updated information from the public, other federal agencies, and non-governmental parties, as well as still-applicable data from the previous revision effort will be compiled in a succinct assessment report. Information relevant to the assessment report may include the current, changed, and changing status of ecological, social and economic conditions within the planning area and their interconnected relationships within the context of the broader landscape. The development of the assessment includes opportunities for the public to contribute information and engage in the planning process to build a common understanding prior to entering formal plan revision. Information gathered will be documented in an assessment report that forms the basis for the need for change document, which identifies changes to be included in the new plan to provide management direction adaptable enough to address changing environmental, social and economic conditions.

For the first phase, the Wayne has posted helpful resources, including the current Forest Plan, the 15 required assessment topics, and the Citizen's Guide to National Forest Planning, on the Wayne Forest Plan website listed in the **DATES** section.

During this assessment phase, the Wayne invites other government agencies, non-governmental parties, and the public to share relevant information that will help develop an understanding of conditions and trends of the assessment topics that are useful to making decisions about the revised plan content. This will include governmental or non-governmental assessments, plans, monitoring reports, studies, and other sources of relevant information about existing and changed conditions, trends, and perceptions of social, economic and ecological systems in the planning area. The Wayne will host a variety of public outreach forums in the spring and summer of 2018 to facilitate this effort, and the public is encouraged to participate and provide meaningful contributions. The Wayne is seeking local knowledge of social values, available data resources, areas of use, and activities, goods and services produced by lands within the Wayne that will help identify gaps in the current management plan, inform the need for change, and highlight priority issues that should be addressed in this revision. This will then lead to the next step of the revision process and inform desired conditions, standards and guidelines, land suitability determinations, and other components that will become part of the revised plan. Public participation is an essential step toward understanding current conditions, available data, and feedback needed to support an overall strategic, efficient and effective revision process.

Several guiding principles, developed to overcome stakeholder-identified challenges, will drive public engagement throughout the plan revision process. These guiding principles include providing direct and transparent communication through a variety of methods, maintaining focused public involvement, building relationships, and promoting sharing, learning and understanding between the agency, partners and the public. These guiding principles will help the Wayne ensure that public engagement in the current assessment phase and throughout the plan revision process will be functional, accessible, and representative.

Plan Revision—Using the need for change as a foundation, the Wayne, in coordination with partners and the public, will then begin the plan revision phase of the process. During this phase, participants will develop a vision statement and goals that will lead the forest into the future, specifying desired conditions and objectives to help achieve these goals. The Wayne will engage the public to identify issues and develop plan alternatives. Finally, in compliance with the National Environmental Policy Act, a proposed action, an environmental impact statement (EIS), and eventually a revised Forest Plan will be completed, with announced opportunities for public review and comment. The plan is a programmatic document that will guide and define development of on-the-ground projects. However, the plan itself is not a decision document.

Monitoring—As part of the plan revision, the public will assist the Forest Service in developing a monitoring program, which will be carried out after the revised plan is approved and will continue through the life of the plan. The monitoring program should be designed to help evaluate progress towards meeting the desired conditions and objectives established by the Forest Plan, and may include monitoring questions that address the status of watershed conditions, visitor use and satisfaction, effects of management activies, and more. Monitoring efforts should be within the financial and technical capability of the agency and will help the Forest Service and the public evaluate the effectiveness of the Forest Plan by providing feedback and helping determine whether any changes in the plan are necessary.

To identify as much relevant information as possible, the Wayne is encouraging contributors to share their concerns and perceptions of the conditions and trends in social, economic and environmental systems within the Wayne planning area. Meetings, review and comment periods, and other opportunities for public engagement throughout the plan revision process will be publicized, with announcements posted on the Wayne's planning website at *https://www.fs.usda.gov/main/wayne/landmanagement/planning.* Information will also be sent out to the Forest's mailing list. If anyone is interested in being included in these notifications, please send an email to *WaynePlanRevision@fs.fed.us.*

Responsible Official

The Responsible Official for the revision of the Forest Plan for Wayne National Forest is Anthony V. Scardina, Forest Supervisor, Wayne National Forest, 13700 US HWY 33, Nelsonville, OH 45764.

Dated: March 10, 2018.

Chris French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–08159 Filed 4–18–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–054]

Certain Aluminum Foil From the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (the ITC), Commerce is issuing a countervailing duty (CVD) order on certain aluminum foil (aluminum foil) from the People's Republic of China (China). In addition, Commerce is amending its final CVD determination with respect to aluminum foil from China, to correct ministerial errors.

DATES: Applicable April 19, 2018.

FOR FURTHER INFORMATION CONTACT: Yasmin Bordas, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3813.

SUPPLEMENTARY INFORMATION:

Period of Investigation: The period of investigation (POI) is January 1, 2016, through December 31, 2016.

Background

In accordance with sections 705(a), 705(d), and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on March 5, 2018, Commerce published in the **Federal Register** an affirmative final determination in the CVD investigation of aluminum foil from China.[1] Interested parties submitted timely filed allegations that Commerce made certain ministerial errors in the final CVD determination of aluminum foil from China. Section 705(e) of the Act and 19 CFR 351.224(f) define ministerial errors as errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial. We reviewed the allegations and determined that we made certain

[1] *See Certain Aluminum Foil from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 83 FR 9282 (March 5, 2018) (*Final Determination*), and accompanying Issues and Decision Memorandum (Final Decision Memorandum).

ministerial errors. *See* ''Amendment to the Final Determination'' section below for further discussion.

On April 9, 2018, the ITC notified Commerce of its affirmative determination pursuant to section 705(b)(1)(A)(i) and section 705(d) of the Act, that an industry in the United States is materially injured by reason of subsidized imports of aluminum foil from China.[2]

Scope of the Order

The merchandise covered by this order is aluminum foil from China. For a complete description of the scope of this order, *see* the Appendix to this notice.

Amendment to the Final Determination

On March 5, 2018, the petitioners [3] and Dingsheng Aluminum Industries (Hong Kong) Trading Co., Ltd. (Dingsheng HK) timely alleged that the *Final Determination* contained certain ministerial errors, and requested that Commerce correct such errors. No rebuttal comments were submitted.

Commerce reviewed the record and, on April 3, 2018, agreed that the errors referenced in the petitioners' and Dingsheng HK's allegations constitute ministerial errors within the meaning of 705(e) of the Act and 19 CFR 351.224(f).[4] Commerce found that it made errors in calculating Dingsheng HK's benefit under the Policy Lending for Aluminum Foil and Government Provision of Primary Aluminum for Less Than Adequate Remuneration programs, and these errors were contrary to our methodological intention.[5] Pursuant to 19 CFR 351.224(e), Commerce is amending the *Final Determination* to reflect the correction of the ministerial errors described above. Based on our correction of the ministerial errors in Dingsheng HK's calculation, the subsidy rate for Dingsheng HK increased from 19.98 percent *ad valorem* to 20.10 percent *ad valorem*.[6] Because the ''all-others'' rate is based, in part, on Dingsheng HK's *ad valorem* subsidy rate, the correction noted above also increases the ''all-others'' rate determined in the *Final Determination* from 18.56 percent *ad valorem* to 18.62 percent *ad valorem*.[7] Because the rates for Loften Aluminum (Hong Kong) Limited and Manakin Industries, LLC, were derived in part from the rates from Dingsheng HK, the correction also changes the rate for these companies from 80.97 percent *ad valorem* to 80.52 percent *ad valorem.*

Countervailing Duty Orders

In accordance with section 705(b)(1)(A)(i) and 705(d) of the Act, the ITC has notified Commerce of its final determination in this investigation, in which it found that an industry in the United States is materially injured by reason of subsidized imports of aluminum foil from China. Therefore, in accordance with section 705(c)(2) of the Act, we are issuing this CVD order. Because the ITC determined that imports of aluminum foil from China are materially injuring a U.S. industry, unliquidated entries of such merchandise from China, entered or withdrawn from warehouse for consumption, are subject to the assessment of countervailing duties.

As a result of the ITC's final determination, in accordance with section 706(a) of the Act, Commerce will direct United States Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, countervailing duties equal to the net countervailable subsidy rates, for all relevant entries of aluminum foil from China. Upon further instruction by Commerce, countervailing duties will be assessed on unliquidated entries of aluminum foil from China entered, or withdrawn from warehouse, for consumption on or after August 14, 2017, the date of publication of the *Preliminary Determination*.[8]

Amended Cash Deposits and Suspension of Liquidation

In accordance with section 706 of the Act, we will instruct CBP to suspend liquidation on all relevant entries of aluminum foil from China, as further described below. These instructions suspending liquidation will remain in effect until further notice. Commerce will also instruct CBP to require cash deposits equal to the amounts as indicated below. Accordingly, effective on the date of publication of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the subsidy rates listed below.[9] The all-others rate applies to all producers or exporters not specifically listed, as appropriate.

Company	Subsidy rate (percent)
Dingsheng Aluminum Industries (Hong Kong) Trading Co., Ltd [10]	20.10
Jiangsu Zhongji Lamination Materials Co., Ltd [11]	17.14
Loften Aluminum (Hong Kong) Limited	80.52
Manakin Industries, LLC [12]	80.52
All-Others	18.62

Provisional Measures

Section 703(d) of the Act states that the suspension of liquidation pursuant to an affirmative preliminary CVD determination may not remain in effect for more than four months. In the underlying investigation, Commerce published the *Preliminary Determination* on August 14, 2017. Therefore, the four-month period beginning on the date of the publication of the Preliminary Determination ended on December 12, 2017. Furthermore, section 707(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination. Therefore, in accordance with section 703(d) of the Act and our practice, we instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to duties,

[2] *See* Letter from the ITC to Commerce, dated April 9, 2018; *see also Aluminum Foil from China* (Investigation Nos. 701–TA–570 and 731–TA–1346 (Final), USITC Publication 4771, April 2018).

[3] The petitioners to this investigation are the Aluminum Association Trade Enforcement Working Group (the petitioners).

[4] *See* Memorandum ''Ministerial Error Allegations Concerning Final Affirmative Countervailing Duty Determination,'' dated April 3, 2018.

[5] *Id.*

[6] *Id.*

[7] *Id.*

[8] *See Certain Aluminum Foil from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination,* 82 FR 37844 (August 14, 2017) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum (Preliminary Decision Memorandum). However, as described further below, entries that occurred after the expiration of the provisional measures period, and prior to publication of the ITC's final injury determination, are not subject to countervailing duties.

[9] *See* section 706(a)(3) of the Act.

[10] As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with Dingsheng HK: Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd.; Hangzhou Teemful Aluminum Co., Ltd.; Hangzhou Five Star Aluminum Co., Ltd.; Hangzhou DingCheng Aluminum Co., Ltd.; Luoyang Longding Aluminum Co., Ltd.; Hangzhou Dingsheng Industrial Group Co., Ltd.; Hangzhou Dingsheng Import & Export Co., Ltd.; and Walson (HK) Trading Co., Limited.

[11] As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with Zhongji: Shantou Wanshun Package Material Stock Co., Ltd.; Jiangsu Huafeng Aluminum Industry Co., Ltd.; and Jiangsu Zhongji Lamination Materials Co., (HK) Ltd.

[12] As discussed in the Preliminary Decision Memorandum, Commerce finds that Manakin Industries and Suzhou Manakin Aluminum Processing Technology Co., Ltd., effectively function by joint operation as a trading company. Therefore, the rate for Manakin Industries also applies to Suzhou Manakin Aluminum Processing Technology Co., Ltd. For additional information, *see* Preliminary Decision Memorandum and Final Decision Memorandum.

unliquidated entries of aluminum foil from China made on or after December 12, 2017. Suspension of liquidation will resume on the date of publication of the ITC's final determination in the **Federal Register**.

Notification to Interested Parties

This notice constitutes the CVD order with respect to aluminum foil from China pursuant to section 706(a) of the Act. Interested parties can find a list of CVD orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

This order and amended final determination are published in accordance with section 706(a) and 19 CFR 351.211(b).

Dated: April 12, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Order

The merchandise covered by this order is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this order is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above. The products under the order are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6000, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000. Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3090, 7606.12.6000, 7606.91.3090, 7606.91.6080, 7606.92.3090, and 7606.92.6080.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

[FR Doc. 2018–08116 Filed 4–18–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–053]

Certain Aluminum Foil From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (the ITC), Commerce is issuing an antidumping duty (AD) order on certain aluminum foil from the People's Republic of China (China). In addition, Commerce is amending its final determination of sales at less than fair value (LTFV) from China as a result of a ministerial error.

DATES: Applicable April 19, 2018.

FOR FURTHER INFORMATION CONTACT: Tom Bellhouse or Michael J. Heaney, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2057 or (202) 482–4475, respectively.

SUPPLEMENTARY INFORMATION:

Period of Investigation: The period of investigation (POI) is July 1, 2016, through December 31, 2016.

Background

On March 5, 2018, Commerce published in the **Federal Register** the *Final Determination* that aluminum foil from China is being, or is likely to be, sold in the United States at LTFV, as provided in section 735 of the Tariff Act of 1930, as amended (Act).[1] On March 12, 2018, Hangzhou Dingsheng Import & Export Co. Ltd., Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd., Hangzhou Teemful Aluminum Co., Ltd., Hangzhou Five Star Aluminum Co., Ltd., Dingsheng Aluminum Industries (Hong Kong) Trading Co. Ltd., Inner Mongolia Liansheng New Energy Material Joint-Stock Co., Ltd. and Walson (HK) Trading Co., Ltd. (collectively, Dingsheng), and Jiangsu Zhongji Lamination Materials Co., (HK) Ltd., Jiangsu Zhongji Lamination Materials Stock Co., Ltd., and Jiangsu Huafeng Aluminium Industry Co., Ltd. (collectively, Zhongji) submitted ministerial error allegations concerning the *Final Determination*.[2] On March 19, 2018, the Aluminum Association Trade Enforcement Working Group submitted comments to address these allegations.[3] On April 9, 2018, the ITC notified Commerce of its affirmative determination that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of LTFV imports of aluminum foil from China.[4]

Scope of the Order

The merchandise covered by this order is aluminum foil from China. For a complete description of the scope of the order, *see* the Appendix to this notice.

Amendment to the Final Determination

After considering parties' comments and reviewing the record, pursuant to section 735(e) of the Act and 19 CFR 351.224(e) and (f), Commerce is amending the *Final Determination* to reflect the correction of a ministerial error it made in calculating the final margin assigned to Dingsheng.[5] In addition, because the rates for the companies receiving a separate rate and the rate of the China-wide entity are based on the margins for Dingsheng and Zhongji, we are also revising these rates.[6]

As a result of this amended final determination, we have revised the estimated weighted average dumping margins as follows:

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[1] *See Certain Aluminum Foil from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 83 FR 9282 (March 5, 2018) (*Final Determination*), and accompanying Issues and Decision Memorandum.

[2] *See* Letter, ''Dingsheng Final Determination Ministerial Error Comments in the Antidumping Duty Investigation of Aluminum Foil from the People's Republic of China,'' dated March 12, 2018; *see also* Letter, ''Certain Aluminum Foil from the People's Republic of China: Ministerial Memorandum Comments,'' dated March 12, 2018.

[3] *See* Letter, ''Certain Aluminum Foil from the People's Republic of China—Petitioners' Rebuttal of Jiangsu Zhongji's Clerical Error Allegation,'' dated March 19, 2018.

[4] *See* Letter from the ITC, dated April 9, 2018; *see also Aluminum Foil from China* (Investigation Nos. 701–TA–570 and 731–TA–1346 (Final), USITC Publication 4771, April 2018).

[5] For a detailed discussion of the ministerial error allegations, *see* Memorandum, ''Antidumping Duty Investigation of Certain Aluminum Foil from People's Republic of China: Ministerial Error Memorandum,'' dated concurrently with this notice (Amended Final Memorandum).

[6] *Id.*

Producer	Exporter	Weighted-average margin (percent)	Cash deposit adjusted for subsidy offset (percent)
Hangzhou Dingsheng Import & Export Co. Ltd./Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd./Hangzhou Teemful Aluminum Co., Ltd./Hangzhou Five Star Aluminum Co., Ltd./Dingsheng Aluminum Industries (Hong Kong) Trading Co. Ltd./Walson (HK) Trading Co., Ltd./Inner Mongolia Liansheng New Energy Material Joint-Stock Co., Ltd.	Hangzhou Dingsheng Import & Export Co. Ltd./Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd./Hangzhou Teemful Aluminum Co., Ltd./Hangzhou Five Star Aluminum Co., Ltd./Dingsheng Aluminum Industries (Hong Kong) Trading Co. Ltd./Walson (HK) Trading Co., Ltd./Inner Mongolia Liansheng New Energy Material Joint-Stock Co., Ltd.	105.80	94.44
Jiangsu Zhongji Lamination Materials Stock Co., Ltd/Jiangsu Zhongji Lamination Materials Co., Ltd./Jiangsu Huafeng Aluminium Industry Co., Ltd.	Jiangsu Zhongji Lamination Materials Co., (HK) Ltd	48.64	37.99
Jiangsu Alcha Aluminum Co., Ltd	Alcha International Holdings Limited	84.76	73.66
Baotou Alcha Aluminum Co., Ltd	Alcha International Holdings Limited	84.76	73.66
Jiangyin Dolphin Pack Ltd. Co	Jiangyin Dolphin Pack Ltd. Co	84.76	73.66
Granges Aluminum (Shanghai) Co., Ltd	Granges Aluminum (Shanghai) Co., Ltd	84.76	73.66
Huafon Nikkei Aluminium Corporation	Huafon Nikkei Aluminium Corporation	84.76	73.66
Suntown Technology Group Limited	Hunan Suntown Marketing Limited	84.76	73.66
Luoyang Longding Aluminium Industries Co., Ltd	Luoyang Longding Aluminium Industries Co., Ltd	84.76	73.66
Shandong Yuanrui Metal Material Co., Ltd	Shandong Yuanrui Metal Material Co., Ltd	84.76	73.66
Suntown Technology Group Limited	SNTO International Trade Limited	84.76	73.66
North China Aluminum Co., Ltd., Hunan Suntown Marketing Limited, and Guangxi Baise Xinghe Aluminum Industry Co., Ltd.	Suzhou Manakin Aluminum Processing Technology Co., Ltd.	84.76	73.66
Xiamen Xiashun Aluminium Foil Co. Ltd	Xiamen Xiashun Aluminium Foil Co. Ltd	84.76	73.66
Yantai Donghai Aluminum Foil Co., Ltd	Yantai Jintai International Trade Co., Ltd	84.76	73.66
Yinbang Clad Material Co., Ltd	Yinbang Clad Material Co., Ltd	84.76	73.66
Zhejiang Zhongjin Aluminum Industry Co., Ltd	Zhejiang Zhongjin Aluminum Industry Co., Ltd	84.76	73.66
CHINA-WIDE ENTITY		105.80	95.15

Antidumping Duty Order

In accordance with section 735(d) of the Act, the ITC has notified Commerce of its final determination in this investigation, in which it found that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act. Therefore, in accordance with section 735(c)(2) of the Act, we are publishing this AD order.

Because the ITC determined that imports of aluminum foil from China are materially injuring a U.S. industry, unliquidated entries of such merchandise from China entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties. In accordance with section 736(a)(1) of the Act, Commerce will direct United States Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of aluminum foil from China.

Antidumping duties will be assessed on unliquidated entries of aluminum foil from China entered, or withdrawn from warehouse, for consumption on or after November 2, 2017, the date of publication of the *Preliminary Determination*.[7]

Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct CBP to continue to suspend liquidation on all relevant entries of aluminum foil from China. These instructions suspending liquidation will remain in effect until further notice.

Pursuant to section 735(c)(1)(B)(ii) of the Act, Commerce will instruct CBP to require a cash deposit equal to the weighted-average amount by which normal value (NV) exceeds U.S. price as follows: (1) The cash deposit rate for the exporter/producer combination listed in the table above will be the rate identified for that combination in the table; (2) for all combinations of Chinese exporters/producers of subject merchandise that have not received their own separate rate above, the cash deposit rate will be the cash deposit rate established for the China-wide entity; and (3) for all non-Chinese exporters of the subject merchandise which have not received their own separate rate above, the cash deposit rate will be the cash deposit rate applicable to the Chinese exporter/producer combination that supplied that non-Chinese exporter.

We normally adjust AD cash deposit rates by the amount of export subsidies, where appropriate. In the companion countervailing duty (CVD) investigation, we have found that both Dingsheng and Zhongji received export subsidies.[8] With respect to Dingsheng and Zhongji, because their CVD rates in the companion investigation included an amount for export subsidies, an offset of 11.36 percent and 10.65 percent, respectively, will be made to their cash deposit rates. With respect to the separate-rate companies, we find that an export subsidy adjustment of 11.10 percent to the cash deposit rate is warranted because this amount represents a weighted-average of the subsidy offsets received by Dingsheng and Zhongji. For the China-wide entity, which continues to receive a rate based on adverse facts available (AFA) in this amended final determination, as an extension of the adverse inference found necessary pursuant to section 776(b) of the Act, Commerce has adjusted the China-wide entity's AD cash deposit

[7] *See Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less-Than-Fair Value and Postponement of Final Determination,* 82 FR 50858 (November 2, 2017) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[8] *See Countervailing Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Final Affirmative Determination,* 83 FR 9274 (March 5, 2018).

rate by the lowest export subsidy rate determined for any party in the companion CVD proceeding, which was 10.65 percent.

Pursuant to section 777A(f) of the Act, we normally adjust AD cash deposit rates for estimated domestic subsidy pass-through, where appropriate. However, in this case there is no basis to grant a domestic subsidy pass-through adjustment.[9]

Provisional Measures

Section 733(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months except where exporters representing a significant proportion of exports of the subject merchandise request Commerce to extend that four-month period to no more than six months.

At the request of exporters that account for a significant proportion of aluminum foil from China, we extended the four-month period to no more than six months in this case.[10] In the underlying investigation, Commerce published the *Preliminary Determination* on November 2, 2017. Therefore, the extended period beginning on the date of publication of the *Preliminary Determination* ends May 2, 2018. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, because the publication of the ITC's final injury determination occurred before the expiration of the extended provisional measures, suspension of liquidation continues through the issuance of the AD order.

Notification to Interested Parties

This notice constitutes the AD order with respect to aluminum foil from China pursuant to section 736(a) of the Act. Interested parties can find a list of AD orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

This order and amended final determination are published in accordance with sections 736(a) and 735(e) of the Act and 19 CFR 351.211 and 351.224(e).

Dated: April 12, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Order

The merchandise covered by this order is aluminum foil having a thickness of 0.2 mm or less, in reels exceeding 25 pounds, regardless of width. Aluminum foil is made from an aluminum alloy that contains more than 92 percent aluminum. Aluminum foil may be made to ASTM specification ASTM B479, but can also be made to other specifications. Regardless of specification, however, all aluminum foil meeting the scope description is included in the scope, including aluminum foil to which lubricant has been applied to one or both sides of the foil.

Excluded from the scope of this order is aluminum foil that is backed with paper, paperboard, plastics, or similar backing materials on one side or both sides of the aluminum foil, as well as etched capacitor foil and aluminum foil that is cut to shape.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above. The products under the order are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7607.11.3000, 7607.11.6000, 7607.11.9030, 7607.11.9060, 7607.11.9090, and 7607.19.6000. Further, merchandise that falls within the scope of this proceeding may also be entered into the United States under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3045, 7606.12.3055, 7606.12.3090, 7606.12.6000, 7606.91.3090, 7606.91.6080, 7606.92.3090, and 7606.92.6080.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

[FR Doc. 2018–08115 Filed 4–18–18; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See Final Determination* and accompanying Issues and Decision Memorandum.

[10] *See Preliminary Determination* and accompanying Preliminary Decision Memorandum.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–839, A–583–833]

Polyester Staple Fiber From the Republic of Korea and Taiwan: Preliminary Results of Changed Circumstances Reviews, and Intent To Revoke Antidumping Duty Orders in Part

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On December 8, 2017, the Department of Commerce (Commerce) received a request for revocation, in part, of the antidumping duty (AD) orders on polyester staple fiber (PSF) from the Republic of Korea (Korea) and Taiwan with respect to low-melt PSF. We preliminarily determine that the *Orders* shall be revoked, in part, with respect to low-melt PSF, as described below. Commerce invites interested parties to comment on these preliminary results.

DATES: Effective April 19, 2018.

FOR FURTHER INFORMATION CONTACT: Emily Halle or Nicholas Czajkowski, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–0176 or (202) 482–1395, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 25, 2000, Commerce published the AD orders on PSF from Korea and Taiwan.[1] On December 8, 2017, DAK Americas, LLC; Nan Ya Plastics Corporation, America; Auriga Polymers; and Palmetto Synthetics LLC (*i.e.,* the domestic producers) requested that Commerce conduct changed circumstances reviews pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.216(b) with respect to any coarse denier low-melt PSF that may be currently covered by the *Orders* to avoid any potential overlap in coverage between the *Orders* and the pending less-than-fair-value investigations of low-melt polyester staple fiber from Korea and Taiwan.[2]

On March 16, 2018, Commerce published the notice of initiation of the requested changed circumstances reviews.[3] Because the domestic producers did not provide any supporting documentation for their statement that they accounted for

[1] *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber from the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber from the Republic of Korea and Taiwan,* 65 FR 33807 (May 25, 2000) (*Orders*).

[2] *See Polyester Staple Fiber From the Republic of Korea and Taiwan: Initiation of Changed Circumstances Reviews, and Consideration of Revocation of the Antidumping Duty Orders in Part,* 83 FR 11678 (March 16, 2018) (*Initiation Notice*); *see also Low Melt Polyester Staple Fiber from the Republic of Korea and Taiwan: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 34277 (July 24, 2017); *Low Melt Polyester Staple Fiber from the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part, Postponement of Final Determination, and Extension of Provisional Measures,* 83 FR 4906 (February 2, 2018).

[3] *Id.*

substantially all of the domestic production of PSF, in the *Initiation Notice,* we invited interested parties to submit comments concerning industry support for the potential revocation, in part, as well as comments and/or factual information regarding the changed circumstances reviews.[4] We received no comments or factual information from other interested parties.

Scope of the Orders

The product covered by the orders is certain polyester staple fiber (PSF). PSF is defined as synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The merchandise subject to these orders may be coated, usually with a silicon or other finish, or not coated. PSF is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture. Merchandise of less than 3.3 decitex (less than 3 denier) currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 5503.20.00.25 is specifically excluded from these orders. Also specifically excluded from these orders are polyester staple fibers of 10 to 18 denier that are cut to lengths of 6 to 8 inches (fibers used in the manufacture of carpeting). In addition, low-melt PSF is excluded from these orders. Low-melt PSF is defined as a bi-component fiber with an outer sheath that melts at a significantly lower temperature than its inner core.

The merchandise subject to these orders is currently classifiable in the HTSUS at subheadings 5503.20.00.45 and 5503.20.00.65.[5] Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under the orders is dispositive.

Preliminary Results of Changed Circumstances Reviews, and Intent To Revoke the Orders, in Part

Pursuant to section 751(d)(1) of the Act, and 19 CFR 351.222(g), Commerce may revoke an AD or countervailing duty order, in whole or in part, based on a review under section 751(b) of the Act (*i.e.,* a changed circumstances review). Section 751(b)(1) of the Act requires a changed circumstances review to be conducted upon receipt of a request which shows changed circumstances sufficient to warrant a review. Section 782(h)(2) of the Act gives Commerce the authority to revoke an order if producers accounting for substantially all of the production of the domestic like product have expressed a lack of interest in the order. Section 351.222(g) of Commerce's regulations provides that Commerce will conduct a changed circumstances review under 19 CFR 351.216, and may revoke an order (in whole or in part), if it concludes that: (i) Producers accounting for substantially all of the production of the domestic like product to which the order pertains have expressed a lack of interest in the relief provided by the order, in whole or in part; or (ii) if other changed circumstances sufficient to warrant revocation exist. Both the Act and Commerce's regulations require that ''substantially all'' domestic producers express a lack of interest in the order for Commerce to revoke the order, in whole or in part.[6] Commerce has interpreted ''substantially all'' to represent producers accounting for at least 85 percent of U.S. production of the domestic like product.[7]

Commerce's regulations do not specify a deadline for the issuance of the preliminary results of a changed circumstances review, but provide that Commerce will issue the final results of review within 270 days after the date on which the changed circumstances review is initiated.[8] Commerce did not issue a combined notice of initiation and preliminary results. As discussed above, while the statement provided by the domestic producers indicated they accounted for substantially all domestic production of PSF, the domestic producers did not offer any documentation supporting their claim.[9] Thus, Commerce did not determine in the *Initiation Notice* that producers accounting for substantially all of the production of the domestic like product lacked interest in the continued application of the *Orders* as to low-melt PSF under consideration here. Further, Commerce requested interested party comments on the issue of domestic industry support of a potential partial revocation of the *Orders.*[10] Commerce received no comments concerning a lack of industry support with respect to these changed circumstances reviews.

As noted in the *Initiation Notice,* domestic producers requested revocation of the *Orders,* in part, and supported their request. In the absence of any interested party comments received during the comment period, we preliminarily conclude that changed circumstances warrant revocation of the *Orders,* in part, because the producers accounting for substantially all of the production of the domestic like product to which the *Orders* pertain lack interest in the relief provided by the *Orders* with respect to low-melt PSF, as described above. We will consider comments from interested parties on these preliminary results of reviews before issuing the final results of these reviews.[11]

Accordingly, we are notifying the public of our intent to revoke the *Orders,* in part. We intend to carry out this revocation by replacing the following language currently in the scope of the *Orders:* ''{i}n addition, low-melt PSF is excluded from these orders. Low-melt PSF is defined as a bi-component fiber with an outer sheath that melts at a significantly lower temperature than its inner core,'' with the following language: ''{i}n addition, low-melt PSF is excluded from these orders. Low-melt PSF is defined as a bi-component polyester fiber having a polyester fiber component that melts at a lower temperature than the other polyester fiber component.''

If we make a final determination to revoke the *Orders* in part, then Commerce will apply this determination to each order as follows. If, at the time of the final determinations, there have been no completed administrative reviews of an order, then the partial revocation will be applied to unliquidated entries of merchandise subject to the changed circumstances review that were entered or withdrawn from warehouse, for consumption, on or after the date that corresponds to the date suspension of liquidation first began in the relevant proceeding. If, at the time of the final determinations, there have been completed administrative reviews of an order, then the partial revocation will be retroactively applied to unliquidated entries of merchandise subject to the changed circumstances reviews that were entered or withdrawn from warehouse, for consumption, on or after

[4] *Id.*

[5] These HTSUS numbers have been revised to reflect changes in the HTSUS numbers at the suffix level.

[6] *See* Section 782(h) of the Act and 19 CFR 351.222(g).

[7] *See Honey from Argentina; Antidumping and Countervailing Duty Changed Circumstances Reviews; Preliminary Intent to Revoke Antidumping and Countervailing Duty Orders,* 77 FR 67790, 67791 (November 14, 2012) (*Honey from Argentina Prelim*), unchanged in *Honey from Argentina; Final Results of Antidumping and Countervailing Duty Changed Circumstances Reviews; Revocation of Antidumping and Countervailing Duty Orders,* 77 FR 77029 (December 31, 2012) (*Honey from Argentina Final*).

[8] *See* 19 CFR 351.216(e).

[9] *See Initiation Notice.*

[10] *Id.*

[11] *See e.g., Honey from Argentina Prelim;* unchanged in *Honey from Argentina Final.*

the day following the last day of the period covered by the most recently completed administrative review of the applicable order. Therefore, under this scenario, the partial revocation for merchandise subject to the *Orders* would be applied retroactively to unliquidated entries of merchandise entered or withdrawn from warehouse, for consumption, on or after May 1, 2017.[12]

Public Comment

Interested parties are invited to comment on these preliminary results of reviews in accordance with 19 CFR 351.309(c)(1)(ii). Case briefs may be submitted no later than ten days after the date of publication of these preliminary results.[13] Rebuttals to case briefs, limited to issues raised in the case briefs, may be filed no later than five days after the due date for case briefs.[14] All submissions must be filed electronically using Enforcement and Compliance's AD and CVD Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, room B8024 of the main Department of Commerce building. An electronically filed document must be received successfully in its entirety by ACCESS, by 5:00 p.m. Eastern Time on the due dates set forth in this notice.

Any interested party may request a hearing within 14 days of publication of this notice. Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations at 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 in a room to be determined.[15]

Commerce intends to issue the final results of these changed circumstances reviews, which will include its analysis of any written comments received, no later than 270 days after the date on which these reviews were initiated, or within 45 days if all parties to the proceeding agree to the outcome of the review.

If, in the final results of these reviews, Commerce continues to determine that changed circumstances warrant the revocation of the *Orders,* in part, we will instruct U.S. Customs and Border Protection (CBP) to liquidate without regard to AD duties all unliquidated entries of the merchandise covered by the exclusion language above entered or withdrawn from warehouse, for consumption, on or after the effective dates indicated above. In addition, we will instruct CBP to refund any estimated AD cash deposits collected on such entries.

The current requirement for cash deposits of estimated AD duties on all entries of subject merchandise will continue unless they are modified pursuant to the final results of these changed circumstances reviews. If, in the final results of these reviews, Commerce continues to determine that changed circumstances warrant the revocation of the *Orders,* in part, we will instruct CBP to discontinue collecting cash deposits on entries of merchandise covered by the exclusion language above effective on the date of publication of the final results of these changed circumstances reviews.

These preliminary results of reviews and notice are in accordance with sections 751(b) and 777(i) of the Act and 19 CFR 351.221 and 19 CFR 351.222.

Dated: April 12, 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. 2018–08198 Filed 4–18–18; 8:45 am]

BILLING CODE 3510–DS–P

[12] The most recent administrative review of the Korea AD order was completed on August 2, 2017, and covered May 1, 2016 through April 30, 2017. *See Polyester Staple Fiber from the Republic of Korea: Rescission of Antidumping Duty Administrative Review; 2016–2017,* 82 FR 37052 (August 8, 2017) (which rescinds the review for the Korea AD order, A–580–839). For the Taiwan AD order, A–583–833, Commerce did not receive a request to conduct an administrative review for the period of review (POR) May 1, 2016 through April 30, 2017. Commerce issued instructions to U.S. Customs and Border Protection on July 21, 2017, liquidating all entries for all firms for the POR.

[13] Commerce is altering the deadline for the submission of case briefs, as authorized by 19 CFR 351.309(c)(1)(ii).

[14] Commerce is altering the deadline for the submission of rebuttal briefs, as authorized by 19 CFR 351.309(d)(1).

[15] *See* 19 CFR 351.310(d).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Marine Technology and Services Enterprise Impact and Utilization Survey Sponsored by the U.S. Integrated Ocean Observing System

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 18, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *pracomments@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Carl Gouldman, (240) 533–9454 or *carl.gouldman@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for reinstatement with changes of an information collection supported by Section 12302 (3) of the Integrated Coastal and Ocean Observation System Act (ICOOS Act) part of the Omnibus Public Land Management Act of 2009 (Pub. L. 111–11). The survey is voluntary.

NOAA's National Ocean Service is requesting approval to repeat a web-based survey of employers who provide either services or infrastructure to the Integrated Ocean Observing System (IOOS) or organizations that add value to the IOOS data and other outputs by tailoring them for specific end uses. The purpose of the survey and overall project is to gather data to articulate the collective and derived value of the IOOS enterprise, and to create a profile of businesses and organizations who are involved with providing services or utilizing the data for other specific end uses. This will be the second survey of its kind on a national scale following

the first survey conducted in FY2015. The project is funded by NOAA and will be conducted on its behalf by a contractor (to be named at a future date). The web survey will be the final data collection piece of this repeat study and is necessary in order to collect demographic, financial, and functional information for each organization with regards to their involvement with IOOS. The final deliverable of this project is an analytic report detailing the findings of the web survey and the analysis of the employer database.

The marine technology industry is an important partner and stakeholder within IOOS: This follow up study will build upon the previous baseline study conducted in FY2015 and will identify trends in this important industry cluster. This information can be used to understand the changing value of export sales and the identification of potential growth and/or new international markets which would further the Department of Commerce (DOC) strategic goal for better environment intelligence (*https://www.commerce.gov/sites/commerce.gov/files/us_department_of_commerce_2018-2022_strategic_plan.pdf*) and translate into better programs by the DOC International Trade Administration in ocean observing industries in international trade.

II. Method of Collection

The method of data collection is through a web (internet) delivered survey.

III. Data

OMB Control Number: 0648–0712.

Form Number: None.

Type of Review: Regular (reinstatement with changes, of a previously approved information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 300.

Estimated Time per Response: 25 minutes.

Estimated Total Annual Burden Hours: 125.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 16, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–08194 Filed 4–18–18; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Coastal Ocean Program Grants Proposal Application Package

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 18, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *pracomments@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Laurie Golden, 240–533–0285 or *laurie.golden@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a revision and extension of a currently approved information collection. The National Oceanic and Atmospheric Administration's Coastal Ocean Program (COP), now known as the Competitive Research Program (CRP) under the National Centers for Coastal Ocean Science, provides direct financial assistance through grants and cooperative agreements for research supporting the management of coastal ecosystems and the NOAA Restore Science Program. The statutory authority for COP is P.L. 102–567 Section 201 (Coastal Ocean Program). NOAA was authorized to establish and administer the Restore Science Program, in consultation with the U.S. Fish and Wildlife Service, by the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies (RESTORE) of the Gulf States Act of 2012 (Public Law 112–141, Section 1604). Identified in the RESTORE Act as the Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology Program, the Program is commonly known as the NOAA RESTORE Science Program. In addition to standard government application requirements, applicants for financial assistance are required to submit a project summary form, current and pending form and a key contacts form for both programs. CRP recipients are required to file annual progress reports and a project final report using CRP formats. The RSP are required to file semi annual progress reports, a final report and a Gantt chart showing project milestones using RSP formats. All of these requirements are needed for better evaluation of proposals and monitoring of awards.

II. Method of Collection

Respondents have a choice of either electronic or paper forms.

III. Data

OMB Control Number: 0648–0384.

Form Number: None.

Type of Review: Regular submission (revision/extension of a currently approved collection).

Affected Public: Non-profit institutions; State, local, or tribal government; business or other for-profit organizations.

Estimated Number of Respondents: 1,200.

Estimated Time per Response: 30 minutes each for a project summary, key contacts and current and pending federal support; 5.5 hours for a semi-annual report; 5 hours for an annual report, 10 hours for a CRP final report, 10.5 hours for the RSP final report and 1 hour for the milestone Gantt chart.

Estimated Total Annual Burden Hours: 1,913.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 16, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–08195 Filed 4–18–18; 8:45 am]

BILLING CODE 3510–JS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; West Coast Limited Entry Groundfish Fixed Gear Economic Data Collection

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before June 18, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *pracomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Jerry Leonard, National Marine Fisheries Service, 2725 Montlake Blvd. E. Seattle, WA 98112.

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for a new information collection.

The Northwest Fisheries Science Center is conducting a cost and earnings survey of active vessels operating with a limited entry groundfish permit that has a fixed gear (longline and/or pot) endorsement. Commercial fisheries economic data collections implemented by the Northwest Fisheries Science Center (NWFSC) have contributed to legally mandated analyses required under the Magnuson-Stevens Fishery Conservation and Management Act (MFCMS), the National Environmental Policy Act (NEPA), the Regulatory Flexibility Act (RFA), and Executive Order 12866 (E.O. 12866).

II. Method of Collection

This survey will collect data for the 2016 and 2017 fiscal years through in-person interviews, telephone interviews, mail responses, and on-line responses. Based on previous economic data collection from this population, the NWFSC expects most survey respondents to respond through an in-person interview.

III. Data

OMB Control Number: 0648-xxxx.

Form Number(s): None.

Type of Review: Regular submission (request for a new information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 90.

Estimated Time per Response: 3 hours.

Estimated Total Annual Burden Hours: 270.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 16, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–08193 Filed 4–18–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Commerce Spectrum Management Advisory Committee

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Call for applications to serve on Advisory Committee.

SUMMARY: The National Telecommunications and Information Administration (NTIA) is seeking applications from persons interested in serving on the Department of Commerce Spectrum Management Advisory Committee (CSMAC or committee) for two-year terms. The CSMAC provides advice to the Assistant Secretary for Communications and Information and NTIA Administrator on spectrum policy matters.

DATES: Applications must be postmarked or electronically transmitted on or before May 18, 2018.

ADDRESSES: Persons may submit applications, with the information specified below, to David J. Reed, Designated Federal Officer, by email to *dreed@ntia.doc.gov* or by U.S. mail or commercial delivery service to Office of Spectrum Management, National Telecommunications and Information Administration, 1401 Constitution Avenue NW, Room 4600, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: David J. Reed at (202) 482–5955 or *dreed@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION: The Commerce Spectrum Management Advisory Committee is chartered by the Department of Commerce under the Federal Advisory Committee Act

(FACA), 5 U.S.C. App. 2, and pursuant to Section 105(b) of the National Telecommunications and Information Administration Organization Act, as amended, 47 U.S.C. 904(b). The committee will continue as provided in Executive Order 13811 effective September 30, 2017. The Department of Commerce re-chartered the CSMAC on September 30, 2017, for a two-year period. The CSMAC advises the Assistant Secretary of Commerce for Communications and Information on a broad range of issues regarding spectrum policy. In particular, the current charter provides that the committee will provide advice and recommendations on needed reforms to domestic spectrum policies and management in order to: License radio frequencies in a way that maximizes their public benefit; keep wireless networks as open to innovation as possible; and make wireless services available to all Americans. The CSMAC functions solely as an advisory body in compliance with the FACA. Additional information about the CSMAC and its activities may be found at *http://www.ntia.doc.gov/category/csmac.*

Under the terms of the committee's charter, it will have no fewer than five (5) members and no more than thirty (30) members. The members serve on the CSMAC in the capacity of Special Government Employee (SGE). As SGEs, members must comply with certain federal conflict of interest statutes and ethics regulations, including some financial disclosure requirements. Members will not receive compensation or reimbursement for travel or for per diem expenses. No member may be a registered federal lobbyist pursuant to the Lobbying Disclosure Act of 1995 (*codified at* 2 U.S.C. 1601 *et seq.*). See Office of Management and Budget, *Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions,* 79 FR 47482 (Aug. 13, 2014). No member may be an agent of a foreign principal required to register pursuant to the Foreign Agents Registration Act of 1938, as amended (*codified at* 22 U.S.C. 611 *et seq.*).

The Secretary of Commerce appoints members of the committee who serve at the Secretary's pleasure and discretion for up to a two-year term and may be reappointed for additional terms. NTIA currently seeks applicants for new two-year terms that will commence in October 2018 and continue through September 2020, subject to the anticipated timely renewal of the committee's charter or its termination by proper authority.

The committee's membership will be fairly balanced in terms of the points of view represented by members and the functions to be performed. Accordingly, its membership will reflect a cross-section of interests in spectrum management and policy, including non-federal spectrum users; state, regional, and local sectors; technology developers and manufacturers; academia; civil society; and service providers with customers in both domestic and international markets. A description of factors that will be considered to determine each applicant's expertise is contained in the committee's Membership Balance Plan (*available at http://www.ntia.doc.gov/other-publication/2017/csmac-membership-balance-plan*).

In particular, NTIA seeks applicants with strong technical and engineering knowledge and experience, familiarity with commercial or private wireless technologies and associated businesses, or expertise with specific applications of wireless technologies. The Secretary may consider factors including, but not limited to, educational background, past work or academic accomplishments, and the industry sector in which a member is currently or previously employed. All appointments are made without discrimination on the basis of age, ethnicity, gender, sexual orientation, disability, cultural, religious, or socioeconomic status.

Each application must include the applicant's full name, address, telephone number, and email address, along with a summary of the applicant's qualifications that identifies, with specificity, how his or her education, training, experience, expertise, or other factors would support the CSMAC's work and how his or her participation would help achieve the balance factors described above. Each application must also include a detailed resume or *curriculum vitae.*

Dated: April 16, 2018.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2018–08225 Filed 4–18–18; 8:45 am]

BILLING CODE 3510–10–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Recruitment of First Responder Network Authority Board Members

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice.

SUMMARY: The National Telecommunications and Information Administration (NTIA) issues this Notice on behalf of the First Responder Network Authority (FirstNet) to initiate the annual process to seek expressions of interest from individuals who would like to serve on the FirstNet Board. One of the 12 appointments of nonpermanent members to the FirstNet Board, expiring August 2019, is currently vacant. Additionally, four of the 12 appointments of nonpermanent members to the FirstNet Board expire in August 2018, creating a total of five available appointments to the FirstNet Board. NTIA issues this Notice to obtain expressions of interest in being selected by the Secretary to the FirstNet Board.

DATES: Expressions of interest must be postmarked or electronically transmitted on or before May 21, 2018.

ADDRESSES: Persons wishing to submit expressions of interest as described below should send that information to: Marsha MacBride, Associate Administrator of NTIA's Office of Public Safety Communications, by email to *FirstNetBoardApplicant@ntia.doc.gov;* or by U.S. mail or commercial delivery service to: Office of Public Safety Communications, National Telecommunications and Information Administration, 1401 Constitution Avenue NW, Room 4078, Washington, DC 20230; or by facsimile transmission to (202) 482–5802. Please note that all material sent via the U.S. Postal Service (including ''Overnight'' or ''Express Mail'') is subject to delivery delays of up to two weeks due to mail security procedures.

FOR FURTHER INFORMATION CONTACT: Marsha MacBride, Associate Administrator, Office of Public Safety Communications, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4078, Washington, DC 20230; telephone: (202) 482–5802; email: *mmacbride@ntia.doc.gov.* Please direct media inquiries to NTIA's Office of Public Affairs, (202) 482–7002.

SUPPLEMENTARY INFORMATION:

I. Background and Authority

The Middle Class Tax Relief and Job Creation Act of 2012 (Act) created the First Responder Network Authority (FirstNet) as an independent authority within NTIA and charged it with ensuring the building, deployment, and operation of a nationwide, interoperable public safety broadband network, based on a single, national network

architecture.[1] FirstNet is responsible for ensuring nationwide standards for use and access of the network; issuing open, transparent, and competitive requests for proposals (RFPs) to build, operate, and maintain the network; encouraging these RFPs to leverage, to the maximum extent economically desirable, existing commercial wireless infrastructure to speed deployment of the network; and managing and overseeing contracts with non-federal entities to build, operate, and maintain the network.[2] FirstNet holds the single public safety license granted for wireless public safety broadband deployment. The FirstNet Board is responsible for providing overall policy direction and oversight of FirstNet to ensure the success of the nationwide network.

II. Structure

The FirstNet Board is composed of 15 voting members. The Act names the Secretary of the Department of Homeland Security, the Attorney General of the United States, and the Director of the Office of Management and Budget as permanent members of the FirstNet Board. The Secretary of Commerce appoints the twelve nonpermanent members of the FirstNet Board.[3] The Act requires each Board member to have experience or expertise in at least one of the following substantive areas: Public safety, network, technical, and/or financial.[4] Additionally, the composition of the FirstNet Board must satisfy the other requirements specified in the Act, including that: (i) At least three Board members have served as public safety professionals; (ii) at least three members represent the collective interests of states, localities, tribes, and territories; and (iii) its members reflect geographic and regional, as well as rural and urban, representation.[5] An individual Board member may satisfy more than one of these requirements. The current nonpermanent FirstNet Board members are (noting length of term):

- Susan Swenson (Chairwoman), Telecommunications/technology executive (Term expires: August 2019)
- Jeffrey Johnson (Vice Chairman), Fire Chief, retired; CEO Western Fire Chiefs Association; Former Chair, State Interoperability Council, State of Oregon (Term expires: August 2019)
- Neil E. Cox, Telecommunications/technology executive (Term Expires: August 2018)
- Edward Horowitz, Venture capital/technology executive (Term Expires: August 2018)
- Kevin McGinnis, Chief/CEO, North East Mobile Health Services (Term Expires: August 2018)
- Robert Tipton Osterthaler (Term Expires: January 2021)
- Annise D. Parker, Former Mayor, Houston, Texas (Term Expires: August 2018)
- Richard Ross, Jr., Police Commissioner, City of Philadelphia (Term Expires: January 2021)
- Richard W. Stanek, Sheriff, Hennepin County, Minnesota (Term expires: January 2021)
- Teri Takai, Government information technology expert; former CIO, states of Michigan and California (Term expires: August 2019)
- David Zolet, CEO, LMI (Term expires: January 2021)
- Vacant (Term expires: August 2019)

More information about the FirstNet Board is available at *www.firstnet.gov/about/Board.* Board members are appointed for a term of three years, and Board members may not serve more than two consecutive full three-year terms.[6]

III. Compensation and Status as Government Employees

FirstNet Board members are appointed as special government employees. FirstNet Board members are compensated at the daily rate of basic pay for level IV of the Executive Schedule (approximately $161,900 per year).[7] Each Board member must be a United States citizen, cannot be a registered lobbyist, and cannot be a registered agent of, employed by, or receive payments from a foreign government.[8]

IV. Financial Disclosure and Conflicts of Interest

FirstNet Board members must comply with certain federal conflict of interest statutes and ethics regulations, including some financial disclosure requirements. A FirstNet Board member will generally be prohibited from participating on any particular matter that will have a direct and predictable effect on his or her personal financial interests or on the interests of the appointee's spouse, minor children, or non-federal employer.

V. Selection Process

At the direction of the Secretary of Commerce, NTIA, in consultation with FirstNet, will conduct outreach to the public safety community, state and local organizations, and industry to solicit nominations for candidates to the Board who satisfy the statutory requirements for membership. In addition, by this Notice, the Secretary of Commerce, through NTIA, will accept expressions of interest until May 21, 2018 from any individual, or any organization that wishes to propose a candidate, who satisfies the statutory requirements for membership on the FirstNet Board.[9]

All parties wishing to be considered should submit their full name, address, telephone number, email address, a current resume, and a statement of qualifications that references how the candidate satisfies the Act's expertise, representational, and geographic requirements for FirstNet Board membership, as described in this Notice, along with a statement describing why they want to serve on the FirstNet Board and affirming their ability and availability to take a regular and active role in the Board's work. The Secretary of Commerce will select FirstNet Board candidates based on the eligibility requirements in the Act and recommendations submitted by NTIA, in consultation with the FirstNet Board's Governance and Personnel Committee. NTIA will recommend candidates based on an assessment of their qualifications as well as their demonstrated ability to work in a collaborative way to achieve the goals and objectives of FirstNet as set forth in the Act. Board candidates will be vetted through the Department of Commerce and are subject to an appropriate background check for security clearance.

Dated: April 16, 2018.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2018–08224 Filed 4–18–18; 8:45 am]

BILLING CODE 3510–10–P

[1] 47 U.S.C. 1422(b).

[2] 47 U.S.C. 1426(b)(1).

[3] 47 U.S.C. 1424(b).

[4] 47 U.S.C. 1424(b)(2)(B).

[5] 47 U.S.C. 1424(b)(2)(A).

[6] 47 U.S.C. 1424(c)(2)(A)(ii).

[7] 47 U.S.C. 1424(g).

[8] See, Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions, Office of Management and Budget, 79 FR 47482 (Aug. 13, 2014).

[9] Incumbent Board members whose terms expire in August 2018, who are eligible for reappointment, and who wish to be considered for reappointment, do not need to submit an expression of interest in response to this Notice.

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 83 FR 16060, April 13, 2018.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Friday, April 20, 2018.

CHANGES IN THE MEETING: The time of the meeting has changed. This meeting will now be held at 9:45 a.m. on Friday, April 20, 2018.

CONTACT PERSON FOR MORE INFORMATION: Christopher Kirkpatrick, 202–418–5964.

Natise L. Allen,

Executive Assistant.

[FR Doc. 2018–08287 Filed 4–17–18; 4:15 pm]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Prepare a Supplemental Environmental Impact Statement for Tinian Divert Infrastructure Improvements, Commonwealth of the Mariana Islands

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice of Intent.

SUMMARY: The United States Air Force (USAF) is issuing this notice to advise the public of the intent to prepare a Supplemental Environmental Impact Statement (SEIS) for the proposed Tinian Divert Infrastructure Improvements. The SEIS will assess the potential environmental consequences of the construction of a fuel pipeline and associated support facilities, and improvements to existing roadways, on the island of Tinian in the Commonwealth of the Northern Mariana Islands (CNMI).

DATES: USAF invites the public, stakeholders, and other interested parties to attend an open house public scoping meeting from 5 p.m. to 8 p.m. on Thursday, May 17, 2018 at the Tinian Elementary School cafeteria. A Chamorro/Carolinian interpreter will be available at the meeting and can assist with translation of meeting materials and written comments.

ADDRESSES: The project website *www.PACAFDivertMarianasEIS.com* provides more information on the SEIS and can be used to submit scoping comments. Scoping comments may also be submitted to Ms. Melissa Markell, (210) 925–2728, AFCEC/CZN; Attn: Tinian Divert SEIS; 2261 Hughes Ave, Suite 155; JBSA Lackland, TX 78236–9853, *melissa.markell@us.af.mil.* Comments will be accepted at any time during the environmental impact analysis process. However, to ensure the USAF has sufficient time to consider public input in the preparation of the Draft SEIS, scoping comments should be submitted in English to the website or the address listed above by May 27, 2018.

SUPPLEMENTARY INFORMATION: The USAF intends to prepare an SEIS to address changes made since the September 2016 completion of the Final EIS for Divert Activities and Exercises and the signature of the Record of Decision (ROD), signed December 7, 2016, announcing the USAF decision to select the Modified Tinian Alternative (Final EIS, Section 2.7, page 2–52) and specifically the North Option (Final EIS, Section 2.5.2, page 2–28), as a future Divert location.

After the ROD was signed in December 2016, the USAF conducted further evaluation of the fuel requirement and associated infrastructure, including the feasibility of different alternatives that were not considered in the original EIS. The USAF now proposes to construct a fuel pipeline to transport fuel from the seaport to the airport, and associated infrastructure at the seaport, rather than using fuel trucks for fuel transfer. In addition, recent reconnaissance surveys of the routes proposed for Divert-related vehicles, and coordination with Tinian leadership, indicate the existing surface road network is inadequate to support heavy vehicle traffic required for Divert activities, and is in need of improvements. Therefore, the USAF also proposes to improve certain existing roads between the seaport and airport that would be used to support Divert-related projects.

Scoping and Agency Coordination: To effectively define the full range of issues to be evaluated in the SEIS, the USAF will determine the scope of the analysis by soliciting comments from interested local, state and federal elected officials and agencies, as well as interested members of the public and others. A scoping meeting will be held on Tinian and the scheduled date, time, and location for the scoping meeting will also be published in local media a minimum of 15 days prior to the scoping meeting. The USAF also welcomes comments under Section 106 of the National Historic Preservation Act (36 Code of Federal Regulations 800) regarding the identification of or effects on historic properties.

If you have comments or would like to become a consulting party in the Section 106 process, please visit the project website or contact Ms. Melissa Markell, AFCEC/CZN at the address above.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2018–08199 Filed 4–18–18; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Army

Environmental Impact Statement for Area Development Plan, Davison Army Airfield, Fort Belvoir, VA

AGENCY: Department of the Army, DOD.

ACTION: Notice of intent.

SUMMARY: The Department of the Army (Army) announces its intent to conduct public scoping under the National Environmental Policy Act (NEPA) and solicit public comments to gather information to prepare an Environmental Impact Statement (EIS) for a proposed Area Development Plan (ADP) for Davison Army Airfield (DAAF), U.S. Army Garrison Fort Belvoir (Fort Belvoir), Virginia. The EIS will analyze the potential environmental impacts that would result from implementing the projects identified in the ADP (Proposed Action). The Proposed Action consists of multiple new construction, replacement, demolition, and renovation projects at DAAF. The Proposed Action does not include, nor would it require, substantial changes in missions, air operations, or the number of aircraft or personnel. The scoping process will help identify reasonable alternatives, potential environmental impacts, and key issues of concern to be analyzed in the EIS. The Army intends to comply with the requirements of Section 106 of the National Historic Preservation Act in parallel with this NEPA process, and invites federally recognized tribes and the State Historic Preservation Office to participate in the consultation process.

DATES: Comments must be sent by May 21, 2018.

ADDRESSES: Please send written comments to: U.S. Army Corps of Engineers, ATTN. Heather Cisar, Planning Division, 2 Hopkins Plaza, 10th Floor, Baltimore, MD 21201.

FOR FURTHER INFORMATION CONTACT: Heather Cisar at: *FortBelvoirNOI@usace.army.mil*

SUPPLEMENTARY INFORMATION: DAAF is located on Fort Belvoir's North Post in Fairfax County, VA. DAAF is home to The Army Aviation Brigade's (TAAB)

12th Aviation Battalion (AVN BN) and several other tenants, including the Night Vision and Electronic Sensor Directorate (NVESD); District of Columbia Army National Guard (DCARNG); Operational Support Airlift Activity/Operational Support Airlift Command (OSA–A/OSACOM); Civil Air Patrol; and TAAB's Airfield Division. DAAF's existing physical infrastructure consists of buildings and pavements. Buildings include several fixed- and rotary-wing aircraft (helicopter) maintenance hangars, operations/administrative facilities, an air control tower, and a fire station. A number of buildings are old and inefficient (dating from the 1950's to 1970's) and are too small. DAAF's buildings are also located in an inefficient way, resulting in spread-out operations; interaction of helicopters and fixed-wing aircraft that reduces operational safety; and the need for multiple runway crossings. Finally, a number of facilities are in violation of airfield design requirements and operate under temporary waivers.

Fort Belvoir has a current Real Property Master Plan (RPMP) for the Main Post and Fort Belvoir North Area. Within that plan, DAAF is a district requiring an ADP. Therefore, the Army is preparing an ADP to support and complement the RPMP and guide future development actions at DAAF.

The proposed ADP identifies multiple projects that will address the airfield's deficiencies and accommodate the space and functional needs of DAAF's tenants, consistent with applicable regulations and the airfield's vision to create a safe, secure, sustainable, consolidated aviation complex that allows for mission growth and provides multiple services in a compact campus. The ADP projects include the construction of a consolidated complex for the 12th AVN BN comprising one new aircraft maintenance hangar and two new aircraft storage hangars, along with supporting facilities (including wash rack and paint booth), associated aircraft parking aprons, and privately owned vehicle (POV) parking; consolidation of NVESD to new facilities; renovation and extension of the existing DCARNG facilities; construction of a new aircraft maintenance hangar and a new administrative facility for OSA–A/OSACOM; and renovation and extension of the Airfield Division's building. Up to 25 existing facilities would be demolished, including the buildings currently under temporary waivers. Infrastructure improvements would include construction of a 200-foot runway extension; realignment and extension of existing roadways; construction of an entry gate meeting applicable antiterrorism/force protection (AT/FP) standards; and excavation and grading of a wooded knoll to eliminate airfield clearance violations.

At a minimum, the EIS will analyze the potential impacts of three alternatives: No Action Alternative, Full Implementation Alternative, and Partial Implementation Alternative. Any other reasonable alternatives identified during the scoping process will be considered for evaluation in the EIS. The EIS will assess the impacts of the alternatives on resources and identify mitigation measures. The proposed action could result in significant adverse effects on the 100-year floodplain associated with Accotink Creek, which covers a substantial part of DAAF, and on wetlands. One of the proposed projects would require using part of Anderson Park, a Fort Belvoir recreational resource adjacent to DAAF, to construct a new POV parking lot.

Governmental agencies, federally recognized Indian tribes, interested organizations, and individuals are invited to participate in the scoping process for the preparation of this EIS by attending meetings and/or submitting written comments.

Written comments must be sent within 30 days of publication of this NOI in the **Federal Register**. A public scoping meeting will be held near Fort Belvoir during this period. Notification of the meeting's time and location will be published locally.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2018–08205 Filed 4–18–18; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 18–10]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil*; DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 18–10 with attached Policy Justification.

Dated: April 16, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

APR 0 3 2018

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 18-10, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Slovakia for defense articles and services estimated to cost $2.91 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 18–10

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Slovakia

(ii) Total Estimated Value:

Major Defense Equipment * ..	$2.01 billion
Other	$ .90 billion
TOTAL	$2.91 billion

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Fourteen (14) F–16 Block 70/72 V Configuration Aircraft
Fifteen (15) M61 Vulcan 20mm Gun
Sixteen (16) F–16V F110 General Electric Engine or F100 Pratt & Whitney Engine (includes 2 spares)
Sixteen (16) APG–83 Active Electronically Scanned Array (AESA) Radar (includes 2 spares)
Fourteen (14) Modular Mission Computers
Fourteen (14) Link-16 Multifunctional Information Distribution System—JTRS
Sixteen (16) LN260 Embedded Global Positioning Service Inertial Navigation System (EGI) (includes 2 spares)

Fourteen (14) Improved Programmable Display Generator (iPDG)
Thirty (30) AIM–120C7 Missiles
Two (2) Guidance Sections for AIM–120C7
One Hundred (100) AIM–9X Missiles
Twelve (12) AIM–9X Captive Air Training Missile (CATM)
Twelve (12) AIM–9X CATM Guidance Units
Twelve (12) AIM–9X Tactical Guidance Units
Two hundred twenty-four (224) MAU–209C/B or MAU–169D Computer Control Group (CCG) for GBU–12 Paveway II 500lb Guided Bombs
Two hundred twenty-four (224) MXU–650/B Airfoil Group for GBU–12
Twenty (20) MAU–210 Enhanced CCG for Enhanced Paveway II (GBU–49)
Twenty (20) MXU–650 Airfoil Group for GBU–49
One hundred-fifty (150) KMU–572F/B Guidance Kit for Joint Direct Attack Munition (JDAM) 500lb Guided Bomb (GBU–38)
Sixty (60) LAU–129 Guided Missile Launcher
Thirty-six (36) MK–82 or BLU–111 500lb Inert Fill Bomb
Four hundred (400) MK–82 or BLU–111 500lb Bomb Bodies
Four hundred (400) FMU–152 Joint Programmable Fuze
Six (6) AN/AAQ–33 Sniper Pods
Non-MDE: Also included are fourteen (14) Joint Helmet Mounted Cueing System II; fourteen (14) AN/ALQ–213 Electronic Warfare Management Systems; sixteen (16) AN/ALQ–211 Advanced Integrated Defensive Electronic Warfare Suites; sixteen (16) AN/ALE–47 Countermeasure Dispensers; Advanced Identification Friend or Foe (AIFF), Secure Communications and Cryptographic Appliques; Joint Mission Planning System (JMPS); ground training device (flight simulator); Electronic Combat International Security Assistance Program (ECISAP) support; software and support; facilities and construction support; spares and repair/replace parts; personnel training and training equipment; publications and technical documentation; missile containers; DSU–38A/B Laser Illuminated Target Detector (GBU–54); munition support and test equipment; aircraft and munition integration and test support; studies and surveys; U.S. Government and contractor technical, engineering and logistical support services; and other related elements of logistics and program support.

(iv) Military Department: Air Force (LO–D–SAA); (LO–D–TAA) and Navy (LO–P–LAH)

(v) Prior Related Cases, if any: None

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex

(viii) Date Report Delivered to Congress: April 3, 2018

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Slovakia—F–16 Block 70/72 V Configuration Aircraft

The Slovak Republic has requested to buy fourteen (14) F–16 Block 70/72 V configuration aircraft; up to sixteen (16) F–16 F110 General Electric or F100 Pratt & Whitney engines (MDE); fifteen (15) M61 A1 Vulcan 20mm Guns (MDE); sixteen (16) APG–83 Active Electronically Scanned Array (AESA) Radars (MDE); fourteen (14) Modular Mission Computers (MDE); fourteen (14) LINK–16 (MIDS–JTRS) secure communication systems (MDE); sixteen (16) LN260 EGI Embedded Global Positioning System Inertial Navigation Systems (EGI) (MDE); fourteen (14) Joint Helmet Mounted Cueing Systems (MDE); fourteen (14) Improved Programmable Display Generators (iPDGs) (MDE); thirty (30) AIM–120C7 air-to-air missiles, one hundred (100) AIM–9X air-to-air missiles; twelve (12) AIM–9X Captive Air Training Missiles, two (2) AIM–120C7, twenty-four (24) AIM–9X additional guidance units; two hundred twenty-four (224) each Computer Control Groups and Airfoil Groups for GBU–12 Paveway II 5001b Guided Bomb Kits; twenty (20) Enhanced Computer Control Groups for Enhanced Paveway II (GBU–49); one hundred fifty (150) KMU–572F/B Guidance Kits for Joint Direct Attack Munition (JDAM) 5001b Guided Bomb (GBU–38); sixty (60) LAU–129 Guided—Missile Launchers; thirty-six (36) MK–82 or BLU–111 5001b Inert Fill Bomb; four hundred (400) MK–82 or BLU–111 5001b Bomb Bodies; four hundred (400) FMU–152 Joint Programmable Fuzes; and six (6) AN/AAQ–33 Sniper Pods. Also included are fourteen (14) Joint Helmet Mounted Cueing System II; fourteen (14) AN/ALQ–213 Electronic Warfare Management Systems; sixteen (16) AN/ALQ–211 Advanced Integrated Defensive Electronic Warfare Suites; sixteen (16) AN/ALE–47 Countermeasure Dispensers; Advanced Identification Friend or Foe (AIFF), Secure Communications and Cryptographic Appliques; Joint Mission Planning System (JMPS); ground training device (flight simulator); Electronic Combat International Security Assistance Program (ECISAP) support; software and support; facilities and construction support; spares and repair/replace parts; personnel training and training equipment; publications and technical documentation; missile containers; DSU–38A/B Illuminated Target Detector (GBU–54); munition support and test equipment; aircraft and munition integration and test support; studies and surveys; U.S. Government and contractor technical, engineering and logistical support services; and other related elements of logistics and program support. The estimated total cost is $2.91 billion.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a NATO partner that is an important force for ensuring peace and stability in Europe. The proposed sale will support Slovakia's needs for its own self-defense and support NATO defense goals. Slovakia intends to use these F–16s to modernize its Air Force and strengthen its homeland defense.

Slovakia intends for these aircraft to replace its current fleet of MiG–29s. Slovakia's current fighters are not interoperable with U.S forces or regional allies. Purchase of the F–16V will provide Slovakia with fourth generation fighter aircraft capability that is interoperable with the United States and NATO.

The proposed sale of new F-l 6V's to Slovakia will not impact the regional balance of power.

The prime contractor will be Lockheed Martin, headquartered in Bethesda, Maryland. There are no known offset agreements in conjunction with this sale, however, we expect Slovakia to request some amount of industrial participation. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale may require assignment of a small number of U.S. Government representatives (less than 10) and a modest number of contractor representatives (less than 50) to Slovakia. It is likely that no permanent U.S. persons will actually be required in country.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 18–10

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

Annex

Item No. vii

(vii) Sensitivity of Technology:

1. This sale involves the release of sensitive technology to Slovakia. The F–16 V Block 70/72 weapon system is UNCLASSIFIED, except as noted below. The aircraft uses the F16 airframe, and features advanced avionics and systems. It contains the General Electric F110 engine or Pratt & Whitney Fl00 engine, AN/APG–83 radar, digital flight control system, internal and external electronic warfare (EW) equipment, Advanced Identification Friend or Foe (AIFF), LINK–16 datalink, operational flight trainer, and software computer programs.

2. The AN/APG–83 is an Active Electronically Scanned Array (AESA) radar upgrade for the F–16. It includes higher processor power, higher transmission power, more sensitive receiver electronics, and synthetic aperture radar (SAR), which creates higher-resolution ground maps from a greater distance than existing mechanically scanned array radars (e.g., APG–68). The upgrade features an increase in detection range of air targets, increases in processing speed and memory, as well as significant improvements in all modes. The highest classification of the radar is SECRET.

3. AN/ALQ–211 AIDEWS provides passive radar warning, wide spectrum radio frequency jamming, and control and management of the entire EW system. The commercially developed system software and hardware is UNCLASSIFIED. The system is classified SECRET when loaded with a U.S. derived EW (threat) database.

4. The AN/APX–126 AIFF is a system capable of transmitting and interrogating via Mode 5. It is UNCLASSIFIED unless Mode 4 or Mode 5 operational evaluator parameters are loaded in to the equipment. Classified elements of the AIFF system include software object code, operating characteristics, parameters, and technical data.

5. The Embedded GPS–INS (EGI) LN–260 is a sensor that combines GPS and inertial sensor inputs to provide accurate location information for navigation and targeting. The EGI LN–260 is UNCLASSIFIED. The GPS crypto-variable keys needed for highest GPS accuracy are classified up to SECRET.

6. Multifunctional Information Distribution System (MIDS) is an advanced Link-16 command, control, communications, and intelligence (C3I) system incorporating high-capacity, jam-resistant, digital communication links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements. The MIDS terminal hardware, publications, performance specifications, operational capability, parameters, vulnerabilities to countermeasures, and software documentation are classified CONFIDENTIAL. The classified information to be provided consists of that which is necessary for the operation, maintenance, and repair (through intermediate level) of the data link terminal, installed systems, and related software.

7. Joint Helmet Mounted Cueing System (JHMCS II) is a modified HGU–55/P helmet that incorporates a visor-projected Heads-Up Display (HUD) to cue weapons and aircraft sensors to air and ground targets. This system projects visual targeting and aircraft performance information on the back of the helmet's visor, enabling the pilot to monitor this information without interrupting his field of view through the cockpit canopy. This provides improvement for close combat targeting and engagement. Hardware is UNCLASSIFIED; technical data and documents are classified up to SECRET.

8. The Improved Programmable Display Generator (iPDG) and color multifunction displays utilize ruggedized commercial liquid crystal display technology that is designed to withstand the harsh environment found in modern fighter cockpits. The display generator is the fifth generation graphics processor for the F–16. Through the use of state-of-the-art microprocessors and graphics engines, it provided orders of magnitude increases in throughput, memory, and graphics capabilities. The hardware and software are UNCLASSIFIED.

9. GBU–12 Paveway II (PW II), a Laser Guided Bomb (LGB), is a maneuverable, free-fall weapon that guides to a spot of laser energy reflected off of the target. The LGB is delivered like a normal general purpose (GP) warhead but the weapon guides to the laser spot to the target. Laser designation for the weapon can be provided by a variety of laser target designators. A LGB consists of a Computer Control Group (CCG) with laser detector sensor and a warhead specific Air Foil Group (AFG) that attaches to the nose and tail of a GP bomb body respectively. The GBU–12 is a 500lbs (MK–82 or BLU–111) GP bomb body fitted with the MXU–650 AFG, and MAU–209C/B or MAU–169D CCG to guide to its laser designated target. The hardware is UNCLASSIFIED; technical data and documents are classified up to CONFIDENTIAL.

10. GBU–49 Enhanced Paveway II (EP II), a LGB, is a maneuverable, free-fall weapon that guides to the target using a GPS-aided INS and dual mode laser. The EP II consists of a CCG with laser detector sensor, and a warhead specific AFG that attaches to the nose and tail of a GP bomb body. The GBU–49 is a 5001bs (MK–82 or BLU–111) GP bomb body fitted with the MXU–650 AFG and MAU–210 CCG to guide to its laser designated target. The hardware is UNCLASSIFIED; technical data and documents are classified up to CONFIDENTIAL without a Height of Burst (HOB) capability.

11. GBU–38 Joint Direct Attack Munition (JDAM) consists of a guidance tail kit that converts unguided free-fall general purpose bombs into accurate, adverse weather ''smart'' munitions. With the addition of a new tail section that contains an inertial navigational system and a global positioning system guidance control unit, JDAM improves the accuracy of unguided, general-purpose bombs in any weather condition. JDAM can be launched from very low to very high altitudes in a dive, toss and loft, or in straight and level flight with an on-axis or off-axis delivery. JDAM enables multiple weapons to be directed against single or multiple targets on a single pass. The GBU–38 consists of a warhead specific air foil group and a MK–82, BLU–111, or BLU–126 GP bomb body. The JDAM as an All Up Round and all of its components are UNCLASSIFIED, technical data and documents for JDAM are classified up to SECRET.

12. The GBU–54 Laser JDAM (LJDAM) is a variant of the JDAM when combined with a DSU–38 A/B Laser Sensor that uses both the BGPS and/or Laser guidance to guide a weapon into a target. The GBU–54 consists of a warhead specific AFG, DSU–38 Laser Sensor, and a MK–82 or BLU–111 bomb body. The LJDAM as an All Up Round and all of its components are UNCLASSIFIED, technical data and documents for LJDAM are classified up to SECRET.

13. FMU–152 is the Joint Programmable Bomb Fuze; a multi-function hard/soft target fuze that is used on for multiple different Mk-series bombs. The fuze can be programmed on the wing or in flight and is used with the JDAM, Paveway, and Enhanced Paveway bombs. The hardware is UNCLASSIFIED; technical data and documents are UNCLASSIFED.

14. AIM–120C7 Advanced Medium Range Air-to-Air Missile (AMRAAM) is guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high- and low-flying and maneuvering targets. The AMRAAM All Up Round is classified CONFIDENTIAL; major components and subsystems range from UNCLASSIFIED to CONFIDENTIAL. Technical data and other documentation are classified up to SECRET.

The AIM–120C7 is launched from the aircraft using a LAU–129 guided missile launcher. The LAU–129 provides mechanical and electrical interface between missile and aircraft. The LAU–129 system is UNCLASSIFIED.

15. AIM–9X 11 SIDEWINDER missile is an air-to-air guided missile that employs a passive infrared (1R) target acquisition system that features digital technology and microminiature solid state electronics. The AIM–9X II All Up Round is CONFIDENTIAL, major components and subsystems range from UNCLASSIFIED to CONFIDENTIAL, and technical data and other documentation are classified up to SECRET. The AIM–9X tactical and Captive Air Training Missile guidance units and Tactical Units are subsets of the overall missile.

16. M61 20mm Vulcan Cannon: The 20 mm Vulcan cannon is a six barreled automatic cannon chambered in 20x 120mm with a cyclic rate of fire from 2,500–6,000 shots per minute. This weapon is a hydraulically powered air cooled gatling gun used to damage/destroy aerial targets, suppress/incapacitate personnel targets and damage or destroy moving and stationary light materiel targets. The M61 and its components are UNCLASSIFIED.

17. The SNIPER (AN/AAQ–33) targeting system is UNCLASSIFIED and contains technology representing the latest state-of-the-art in in electro-optical clarity and haze, and low light targeting capability. Information on performance and inherent vulnerabilities is classified SECRET. Software (object code) is classified CONFIDENTIAL. Overall system classification is SECRET.

18. This sale will also involve the release of sensitive and/or classified cryptographic equipment for secure communications radios, precision navigation with anti-jam capability, and cryptographic appliques and keying equipment. The hardware is UNCLASSIFIED, except where systems are loaded with cryptographic software, which may be classified up to SECRET.

19. Software, hardware, and other data or information, which is classified or sensitive, is reviewed prior to release to protect system vulnerabilities, design data, and performance parameters. Some end-item hardware, software, and other data identified above are classified at the CONFIDENTIAL and SECRET level. Potential compromise of these systems is controlled through management of the basic software programs of highly sensitive systems and software-controlled weapon systems on a case-by-case basis.

20. If a technologically advanced adversary were to obtain knowledge of the specific hardware or software source code in this proposed sale, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of systems with similar or advance capabilities. The benefits to be derived from this sale in the furtherance of the US foreign policy and national security objectives, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

21. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits to be derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

22. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Slovakia.

[FR Doc. 2018–08210 Filed 4–18–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

[Transmittal No. 17–65]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil;* DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–65 with attached Policy Justification.

Dated: April 16, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

APR 0 4 2018

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-65, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Spain for defense articles and services estimated to cost $1.3 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 17–65

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Spain

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 900 million
Other	$ 400 million
TOTAL	$ 1.300 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* The Government of Spain has requested the possible sale of seventeen (17) CH–47F cargo helicopters with customer-unique modifications.

Major Defense Equipment (MDE):

Seventeen (17) CH–47F Cargo Helicopters with customer-unique modifications

Twenty-one (21) Common Missile Warning System (CMWS) AN/AAR–57A(V)8

Forty-two (42) Embedded Global Positioning System (GPS) Inertial Navigation System (INS) (EGI)

Non-MDE: Also included are mission equipment, hardware and services

required to implement customer-unique modifications, communication, Aircraft Survivability Equipment (ASE), and navigation equipment including AN/ARC–231 Multi-mode radios, AN/ARC–201D SINCGARS radios, AN/ARC–220 High Frequency (HF) Radio, Identification, Friend or Foe (IFF), AN/AAR–57A(V)8, and the Radar Signal Detecting Set (RSDS), AN/APR–39A(V)1, special tools and test equipment, ground support equipment, airframe and engine spare parts, technical data, publications, MWO/ECPs, technical assistance, transportation of aircraft and training, and other related elements of logistics and program support.

(iv) *Military Department:* Army (SP–B–WBE)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services*

Proposed to be Sold: See Attached Annex

(viii) *Date Report Delivered to Congress:* April 4, 2018

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Spain—CH–47F Aircraft

The Government of Spain has requested to buy seventeen (17) CH–47F cargo helicopters with customer-unique modifications, twenty-one (21) Common Missile Warning System (CMWS) AN/AAR–57A(V)8, and forty-two (42) Embedded Global Positioning System (GPS) Inertial Navigation System (INS) (EGI). Also included are mission equipment, hardware and services required to implement customer-unique modifications, communication, Aircraft Survivability Equipment (ASE), and navigation equipment including AN/ARC–231 Multi-mode radios, AN/ARC–201D SINCGARS radios, AN/ARC–220 High Frequency (HF) Radio, Identification, Friend or Foe (IFF), AN/AAR–57A(V)8, and the Radar Signal Detecting Set (RSDS), AN/APR–39A(V)1, special tools and test equipment, ground support equipment, airframe and engine spare parts, technical data, publications, MWO/ECPs, technical assistance, transportation of aircraft and training, and other related elements of logistics and program support. The estimated total case value is $1.3 billion.

This proposed sale will support the foreign policy and national security objectives of the United States by improving the security of a NATO ally that has been, and continues to be, an important force for political stability and economic progress in Europe.

The proposed sale of the CH–47F aircraft will improve Spain's heavy lift capability. Spain will use this enhanced capability to strengthen its homeland defense and deter regional threats. Spain will have no difficulty absorbing these aircraft into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Boeing Helicopter Company, Philadelphia, PA. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Spain.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–65

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The CH–47F aircraft has been identified as Major Defense Equipment (MDE). The CH–47F is a medium lift, newly manufactured Aircraft. The CH–47F has the common avionics architecture system (CAAS) cockpit, which provides aircraft system, flight, mission, and communication management systems. The CAAS consist of two dual-redundant MIL–STD–1553B data busses and an Ethernet LAN capable of supporting both IEEE 802.3 and ARINC 664. The CAAS includes five multifunction displays (MFDs), two general purpose processor units (GPPUs), two control display units (CDUs) and two data concentrator units (DCUs). The Navigation System will have two Embedded GPS/INS (EGIs), two Digital Advanced Flight Control System (DAFCS), one ARN–147 (VOR/ILS marker Beacon System), one ARN–153 Tactical Air Navigation System (TACAN), two air data computers, and one AN/APN–209 Radar Altimeter system. The communications suite is as follows: two each AN/ARC–231 Multi-mode radios providing VHF FM, VHF–AM, UHF, HQ II and Demand Assigned Multiple Access (DAMA) Satellite Communications (SATCOM), one each AN/ARC–201D SINCGARS radios with associated IFMs, and one each AN/ARC–220 High Frequency (HF) Radio. The Identifier, Friend or Foe (IFF) will be the APX–123A, which provides the additional functionality of MODE 5. Aircraft survivability equipment (ASE) will consist of the Common Missile Warning System (CMWS), AN/AAR–57A(V)8, and the Radar Signal Detecting Set (RSDS), AN/APR–39A(V)1. Support and fielding for the CH–47Fs and installed CAAS would require one copy of technical documentation, along with a Contractor Field Representative. Technical data and documentation for CH–47F systems are classified up to SECRET. The sensitive technologies include:

a. The AN/APX–123A Transponder is classified SECRET if Mode-4 or -5 Communications Security (COMSEC) keying material (KEYMAT) is loaded into the device.

b. The TSEC KY–100 is a radio encryptor that has sensitive technology and is classified SECRET if COMSEC KEYMAT is loaded into the device.

c. The AN/AAR–57A(V)8 CMWS is the detection component of the suite of countermeasures designed to increase survivability of current generation combat aircraft and specialized special operations aircraft against the threat posed by infrared guided missiles.

d. The Radar Signal Detecting Set AN/APR–39A(V)1 provides the pilot with visual and audible warning when a hostile fire-control threat is encountered.

e. The KIV–77, is a Common Crypto Applique for Identification, Friend or Foe (IFF) that provides Mode 4/5 capability. The KIV–77 Applique physical dimensions are 3.5 in. x 4.25 in. x 1 in., 16-oz. The KIV–77 can be removed from the host and stored as an Unclassified Controlled Cryptographic Item (CCI).

f. The AN/PYQ–10 (C) Simple Key Loader (SKL) is a ruggedized, portable, hand-held fill device used for securely receiving, storing, and transferring electronic key material and data between compatible end cryptographic units (ECU) and communications equipment. It supports both the DS–101 and DS–102 interfaces, as well as the Crypto Ignition Key and is compatible with existing ECUs.

2. If a technologically advanced adversary were to obtain knowledge of specific hardware, the information could be used to develop countermeasures which might reduce weapons system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Spain can provide substantially the same degree of protection for sensitive

technology being released as the U.S. Government. This proposed sustainment program is necessary to the furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed on this transmittal are authorized for release and export to the Government of Spain.

[FR Doc. 2018–08217 Filed 4–18–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–24]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil;* DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–24 with attached Policy Justification.

Dated: April 16, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

APR 0 9 2018

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-24, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Qatar for defense articles and services estimated to cost $300 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 5001–06–C

Transmittal No. 17–24

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Qatar

(ii) *Total Estimated Value:*

Major Defense Equipment *	$250 million
Other	$ 50 million
TOTAL	$300 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

MDE: Five thousand (5,000) Advanced Precision Kill Weapon Systems (APKWS) II Guidance Sections

Non-MDE: Also included are five thousand (5,000) MK66–4 2.75 inch Rocket Motors, five thousand (5,000) High Explosive Warheads for Airborne 2.75 inch Rockets, inert MK66–4 2.75 inch Rocket Motors, Inert High Explosive Warhead for Airborne 2.75 inch Rockets, support equipment, spares, training, publications, engineering technical assistance, program management technical assistance, logistics support services, and other related elements of program support.

(iv) *Military Department:* U.S. Army (QA–B–WYX)

(v) *Prior Related Cases, if any:* QA–B–WYX, 19 Aug 14)

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* April 9, 2018

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Qatar—Five thousand (5,000) Advanced Precision Kill Weapon Systems (APKWS) and Related Equipment and Support

The Government of Qatar has requested a possible sale of five thousand (5,000) Advanced Precision Kill Weapon Systems (APKWS) II Guidance Sections. Also included are five thousand (5,000) MK66–4 2.75 inch rocket motors, five thousand (5,000) high explosive warheads for airborne 2.75 inch rockets, inert MK66–4 2.75 inch rocket motors, inert high explosive warhead for airborne 2.75 inch rockets, support equipment, spares, training, publications, engineering technical assistance, program management technical assistance, logistics support services, and other related elements of program support. The estimated total program value is $300 million.

This proposed sale supports the foreign policy and national security objectives of the United States. Qatar is an important force for political stability and economic progress in the Persian Gulf region. Our mutual defense interests anchor our relationship and the Qatar Emiri Air Force (QEAF) plays a predominant role in Qatar's defense.

Qatar intends to use these defense articles and services to modernize its armed forces. This will contribute to Qatar's military goal by providing additional capability to its new AH–64E aircraft fleet. The APKWS will provide Qatar with a low-cost precision strike capability, decreasing collateral damage and expanding its options for counterterrorism operations. Qatar will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor involved in this program is BAE, Nashua, New Hampshire. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require two U.S. Government or contractor representatives to travel to the State of Qatar for a period of one week to train in assembly and Wing Slot Seal replacement

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–24

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The APKWS II All-Up-Round is an air-to-ground weapon that consists of an APKWS II Guidance Section (GS), legacy 2.75 inch MK66 Mod 4 rocket motor and legacy MK152 and MK435/436 warhead/fuse. The APKWS II GS is installed between the rocket motor and warhead and provides a Semi-Active Laser (SAL) precision capability to legacy unguided 2.75-inch rockets. The APKWS II is procured as an independent component to be mated to the appropriate 2.75-inch warhead/fuse; however, for this case the APKWS II will be delivered as an All-up-Round (AUR).

2. The GS is manually set with the appropriate laser code during loading and is launched from any platform configured with a LAU–68F/A, or similar launcher(s). After launch, the GS activates and the seeker detects laser energy reflected from a target designated with a remote or autonomous laser. The control system then guides the rocket to the target.

3. The only interface required with the host platform is a 28V Direct Current (DC) firing pulse.

4. APKWS II increases stowed kills by providing precise engagements at standoff ranges with sufficient accuracy for a high single-shot probability of hit against soft and lightly armored targets, thereby minimizing collateral damage. The APKWS II is capable of day and night operations and performance is many adverse environments.

5. All training for APKWS II is UNCLASSIFIED. The training required is: pilot training to effectively employ the APKWS II, ordnance handler for safe handling and preparation of the APKWS II and AUR, and maintenance training for replacement of the Wing Slot Seal (WSS).

6. All defense articles and services listed in this transmittal are authorized for release and export to the State of Qatar.

[FR Doc. 2018–08214 Filed 4–18–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Education Innovation and Research Program—Expansion Grants

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2018 for the Education Innovation and Research Program—Expansion Grants, Catalog of Federal Domestic Assistance (CFDA) number 84.411A (Expansion Grants).

DATES:

Applications Available: April 23, 2018.

Deadline for Notice of Intent to Apply: May 9, 2018.

Deadline for Transmittal of Applications: June 5, 2018.

Deadline for Intergovernmental Review: August 6, 2018.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf.*

FOR FURTHER INFORMATION CONTACT: Kelly Terpak, U.S. Department of Education, 400 Maryland Avenue SW, Room 4W312, Washington, DC 20202–5900. Telephone: (202) 453–7122. Email: *eir@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Education Innovation and Research (EIR) program, established under section 4611 of the Elementary and Secondary Education Act, as amended (ESEA), provides funding to create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students; and rigorously evaluate such innovations. The EIR program is designed to generate and validate solutions to persistent educational challenges and to support the expansion of those solutions to serve substantially larger numbers of students.

The central design element of the EIR program is its multi-tier structure that links the amount of funding that an applicant may receive to the quality of the evidence supporting the efficacy of the proposed project, with the expectation that projects that build this evidence will advance through EIR's grant tiers: ''Early-phase,'' ''Mid-phase,'' and ''Expansion.'' Applicants proposing innovative practices that are supported by limited evidence can receive relatively small grants to support the development, implementation, and initial evaluation of the practices; applicants proposing practices supported by evidence from rigorous evaluations, such as an experimental study (as defined in this notice), can receive larger grant awards to support expansion across the country. This structure provides incentives for applicants to: (1) Explore new ways of addressing persistent challenges that other educators can build on and learn from; (2) build evidence of effectiveness of their practices; and (3) replicate and scale successful practices in new schools, districts, and States while addressing the barriers to scale, such as cost structures and implementation fidelity.

All EIR projects are expected to generate information regarding their effectiveness in order to inform EIR grantees' efforts to learn about and improve upon their efforts, and to help similar, non-EIR efforts across the country benefit from EIR grantees' knowledge. By requiring that all grantees conduct independent evaluations of their EIR projects, EIR ensures that its funded projects make a significant contribution to improving the quality and quantity of information available to practitioners and policymakers about which practices improve student achievement, for which types of students, and in what contexts.

The Department awards three types of grants under this program: ''Early-phase'' grants, ''Mid-phase'' grants, and ''Expansion'' grants. These grants differ in terms of the level of prior evidence of effectiveness required for consideration for funding, the expectations regarding the kind of evidence and information funded projects should produce, the level of scale that funded projects should reach, and, consequently, the amount of funding available to support each type of project.

The Department expects that Expansion grants will provide funding for implementation and rigorous evaluation of a program that has been found to produce sizable, significant impacts under a Mid-phase grant or other effort meeting similar criteria, for the purposes of: (a) Determining whether such impacts can be successfully reproduced and sustained over time; and (b) identifying the conditions in which the program is most effective.

Expansion grants are supported by strong evidence (as defined in this notice) for at least one population and setting, and grantees are encouraged to implement at the national level (as defined in this notice).

This notice invites applications for Expansion grants only. The notices inviting applications for Early-phase and Mid-phase grants are published elsewhere in this issue of the **Federal Register.**

Background: Expansion grants are expected to scale practices that have prior evidence of effectiveness, in order to improve outcomes for high-need students. They are also expected to generate important information about an intervention's effectiveness (*e.g.,* In what context(s) does the intervention work best? Where does it not work as well? What components of the practice are most critical to its success?). Expansion grants are uniquely positioned to help answer critical questions about the process of scaling a practice across geographies (*e.g.,* How does or should the cost structure of a practice change as it scales? What are ways to facilitate implementation fidelity without making scaling too onerous?).

Evaluations of Expansion grants are expected to be conducted in a variety of contexts and for a variety of students in order to determine the context(s) and population(s) for which the EIR-supported practice is most effective and how to effectively adapt the practice for these contexts and populations. An Expansion grantee is encouraged to design an EIR-supported evaluation that examines the cost effectiveness of its practices, identifies potential obstacles and success factors to scaling that would be relevant to other organizations, and has the potential to meet the strong evidence threshold. We expect that Expansion grantees will work toward sustaining their projects and continuing to scale successful practices after the EIR grant period ends; EIR grantees can use their evaluations to assess how their EIR-funded practices could be successfully reproduced and sustained. The Department intends to provide grantees and their independent evaluators with evaluation technical assistance. This evaluation technical assistance could include grantees and their independent evaluators providing to the Department or its contractor updated comprehensive evaluation plans in a format as requested by the technical assistance provider and using such tools as the Department may request. Grantees will be encouraged to update this evaluation plan at least annually to reflect any changes to the evaluation, with updates consistent with the scope and objectives of the approved application.

The FY 2018 Expansion competition includes three absolute priorities and two invitational priorities. All Expansion applicants must address Absolute Priority 1. Expansion applicants are also required to address one of the other two absolute priorities. Applicants have the option of addressing one or more of the invitational priorities.

The absolute priorities and invitational priorities align with the purpose of the program and the Administration's priorities. Absolute Priority 1 establishes the evidence requirement for this tier of grants. Absolute Priority 2 aligns with the EIR program as it is intended to take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment. In addition to incorporating the focus on field-initiated innovations in Absolute Priority 2, Absolute Priority 3 aligns with the Administration's efforts to invest in science, technology, engineering, and math (STEM) education in order to ensure our Nation's economic competitiveness by improving and expanding STEM learning and engagement. Invitational Priority 1 is intended to encourage applicants to focus on the needs of each child, with customized learning opportunities tailored to the needs of individual students. Invitational Priority 2 is intended to encourage applicants to improve early learning and cognitive development outcomes. Through these priorities, the Department intends to advance innovation and the use and building of evidence and address the learning and achievement of high-need students.

Priorities: This competition includes three absolute priorities and two invitational priorities. In accordance with 34 CFR 75.105(b)(2)(iv), Absolute Priority 1 is from 34 CFR 75.226(d)(2). Absolute Priority 2 is from section 4611(a)(1)(A) of the ESEA. Absolute Priority 3 is from section 4611(a)(1)(A) of the ESEA and the Secretary's Final Supplemental Priorities and Definitions for Discretionary Grant Programs, published in the **Federal Register** on March 2, 2018 (83 FR 9096) (Supplemental Priorities).

Absolute Priorities: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet Absolute Priority 1, Strong Evidence, and one additional absolute priority.

These priorities are:

Absolute Priority 1—Strong Evidence

Under this priority, we provide funding to projects supported by strong evidence.

Note: An applicant must identify up to four study citations to be reviewed against the What Works Clearinghouse (WWC) Handbook (as defined in this notice) for the purposes of meeting strong evidence. The studies may have been conducted by the applicant or by a third party. An applicant should clearly identify these citations in the Evidence form. The Department may not review a study citation that an applicant fails to clearly identify for review. In addition to including up to four study citations, applicants must include in the form a description of: (1) The positive student outcomes they intend to replicate under their Expansion grant and how the characteristics of students and the positive student outcomes in the study citations correspond with the high-need students to be served under the Expansion grant; (2) the correspondence of practice(s) the applicant plans to implement with the practice(s) cited in the studies; and (3) the intended student outcomes that the proposed practice(s) attempts to impact.

An applicant must ensure that all evidence is available to the Department from publicly available sources and provide links or other guidance indicating where it is available. If the Department determines that an applicant has provided insufficient information, the applicant will not have an opportunity to provide additional information at a later time. However, if the WWC determines that a study does not provide enough information on key aspects of the study design, such as sample attrition or equivalence of intervention and comparison groups, the WWC will submit a query to the study author(s) to gather information for use in determining a study rating. Authors are asked to respond to queries within 10 business days. Should the author query remain incomplete within 14 days of the initial contact to the study author(s), the study will be deemed ineligible under the grant competition. After the grant competition closes, the WWC will continue to include responses to author queries and will make updates to study reviews as necessary, but no additional information will be taken into account after the competition closes and the initial timeline established for response to an author query passes.

Absolute Priority 2—Field-Initiated Innovations—General

Under the priority, we provide funding to projects that are designed to create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students.

Absolute Priority 3—Field-Initiated Innovations—Promoting Science, Technology, Engineering, or Math (STEM) Education, With a Particular Focus on Computer Science

Under the priority, we provide funding to projects that are designed to:

(1) Create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students, and;

(2) Improve student achievement or other educational outcomes in one or more of the following areas: Science, technology, engineering, math, or computer science (as defined in this notice). These projects must address the following priority area:

Identifying and implementing instructional strategies in STEM fields, including computer science, that are supported by strong evidence (as defined in this notice).

Invitational Priorities: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are invitational priorities. Under 34 CFR.105(c)(1) we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority One—Personalized Learning

Projects that support educators in personalizing learning for all students so that learning opportunities may be tailored to fit the needs of individual students. In personalized learning environments, the pace, location, and delivery method of education may vary based on individual student interests and needs. Personalized learning approaches recognize that there are multiple pathways through which students can develop and demonstrate academic competencies and social-emotional skills aligned to college- and career-ready standards and that students may attain these competencies and skills in different amounts of time. Examples of personalized learning instructional approaches include dynamic student groupings, student-driven projects, and the use of adaptive technologies such as digital curricula to both accelerate, and to target gaps in, student learning. Personalized data approaches use data to provide ongoing feedback about student progress to educators, students, and their families, and to adjust learning strategies in real time.

Invitational Priority Two—Early Learning and Cognitive Development

The Department is especially interested in projects that improve early learning and cognitive development outcomes through neuroscience-based and scientifically validated interventions.

Definitions: The definitions of ''baseline,'' ''experimental study,'' ''national level,'' ''nonprofit,'' ''performance measure,'' ''performance target,'' ''project component,'' ''relevant outcome,'' ''strong evidence,'' and ''What Works Clearinghouse Handbook (WWC Handbook)'' are from 34 CFR 77.1. The definition for ''computer science'' is from the Supplemental Priorities. The definitions of ''local educational agency'' and ''State educational agency'' are from section 8101 of the ESEA.

Baseline means the starting point from which performance is measured and targets are set.

Computer science means the study of computers and algorithmic processes and includes the study of computing principles and theories, computational thinking, computer hardware, software design, coding, analytics, and computer applications.

Computer science often includes computer programming or coding as a tool to create software, including applications, games, websites, and tools to manage or manipulate data; or development and management of computer hardware and the other electronics related to sharing, securing, and using digital information.

In addition to coding, the expanding field of computer science emphasizes computational thinking and interdisciplinary problem-solving to equip students with the skills and abilities necessary to apply computation in our digital world.

Computer science does not include using a computer for everyday activities, such as browsing the internet; use of tools like word processing, spreadsheets, or presentation software; or using computers in the study and exploration of unrelated subjects.

Experimental study means a study that is designed to compare outcomes between two groups of individuals (such as students) that are otherwise equivalent except for their assignment to either a treatment group receiving a project component (as defined in this notice) or a control group that does not. Randomized controlled trials, regression discontinuity design studies, and single-case design studies are the specific types of experimental studies that, depending on their design and implementation (*e.g.,* sample attrition in randomized controlled trials and regression discontinuity design studies), can meet What Works Clearinghouse (WWC) standards without reservations as described in the WWC Handbook:

(i) A randomized controlled trial employs random assignment of, for example, students, teachers, classrooms, or schools to receive the project component being evaluated (the treatment group) or not to receive the project component (the control group).

(ii) A regression discontinuity design study assigns the project component being evaluated using a measured variable (*e.g.,* assigning students reading below a cutoff score to tutoring or developmental education classes) and controls for that variable in the analysis of outcomes.

(iii) A single-case design study uses observations of a single case (*e.g.,* a student eligible for a behavioral intervention) over time in the absence and presence of a controlled treatment manipulation to determine whether the outcome is systematically related to the treatment.

Local educational agency (LEA) means:

(a) In General. A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(b) Administrative Control and Direction. The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(c) Bureau of Indian Education Schools. The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under the ESEA with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency (as defined in this notice) other than the Bureau of Indian Education.

(d) Educational Service Agencies. The term includes educational service agencies and consortia of those agencies.

(e) State Educational Agency. The term includes the State educational agency in a State in which the State educational agency is the sole educational agency for all public schools.

National level describes the level of scope or effectiveness of a process, product, strategy, or practice that is able to be effective in a wide variety of communities, including rural and urban areas, as well as with different groups (*e.g.,* economically disadvantaged, racial and ethnic groups, migrant populations, individuals with disabilities, English learners, and individuals of each gender).

Nonprofit, as applied to an agency, organization, or institution, means that it is owned and operated by one or more corporations or associations whose net earnings do not benefit, and cannot lawfully benefit, any private shareholder or entity.

Performance measure means any quantitative indicator, statistic, or metric used to gauge program or project performance.

Performance target means a level of performance that an applicant would seek to meet during the course of a project or as a result of a project.

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.,* training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Relevant outcome means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

State educational agency (SEA) means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

Strong evidence means that there is evidence of the effectiveness of a key project component in improving a relevant outcome (as defined in this notice) for a sample that overlaps with the populations and settings proposed to receive that component, based on a relevant finding from one of the following:

(i) A practice guide prepared by the WWC using version 2.1 or 3.0 of the WWC Handbook reporting a ''strong evidence base'' for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC using version 2.1 or 3.0 of the WWC Handbook reporting a ''positive effect'' on a relevant outcome based on a ''medium to large'' extent of evidence, with no reporting of a ''negative effect'' or ''potentially negative effect'' on a relevant outcome; or

(iii) A single experimental study reviewed and reported by the WWC using version 2.1 or 3.0 of the WWC Handbook, or otherwise assessed by the Department using version 3.0 of the WWC Handbook, as appropriate, and that—

(A) Meets WWC standards without reservations;

(B) Includes at least one statistically significant and positive (*i.e.,* favorable) effect on a relevant outcome;

(C) Includes no overriding statistically significant and negative effects on relevant outcomes reported in the study or in a corresponding WWC intervention report prepared under version 2.1 or 3.0 of the WWC Handbook; and

(D) Is based on a sample from more than one site (*e.g.,* State, county, city, school district, or postsecondary campus) and includes at least 350 students or other individuals across sites. Multiple studies of the same project component that each meet requirements in paragraphs (iii)(A), (B), and (C) of this definition may together satisfy this requirement.

What Works Clearinghouse Handbook (WWC Handbook) means the standards and procedures set forth in the WWC Procedures and Standards Handbook, Version 3.0 or Version 2.1 (incorporated by reference, see 34 CFR 77.2). Study findings eligible for review under WWC standards can meet WWC standards without reservations, meet WWC standards with reservations, or not meet WWC standards. WWC practice guides and intervention reports include findings from systematic reviews of evidence as described in the Handbook documentation.

Program Authority: Section 4611 of the ESEA, 20 U.S.C. 7261.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The Supplemental Priorities.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $115,000,000.

These estimated available funds are the total available for all three types of grants under the EIR program (Early-phase, Mid-phase, and Expansion grants). Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Average Size of Awards: Up to $15,000,000.

Maximum Award: We will not make an award exceeding $15,000,000 for a single project period of 60 months.

Estimated Number of Awards: 1–3.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Note: Under section 4611(c) of the ESEA, the Department must use at least 25 percent of EIR funds for a fiscal year to make awards to applicants serving rural areas, contingent on receipt of a sufficient number of applications of sufficient quality. For purposes of this competition, we will consider an applicant as rural if the applicant meets the qualifications for rural applicants as described in the eligible applicants section and the applicant certifies that it meets those qualifications through the application.

In implementing this statutory provision, the Department may fund high-quality applications from rural applicants out of rank order in one or more of the EIR competitions.

III. Eligibility Information

1. *Eligible Applicants:*

(a) An LEA;

(b) An SEA;

(c) The Bureau of Indian Education;

(d) A consortium of SEAs or LEAs;

(e) A nonprofit organization; and

(f) An SEA, an LEA, a consortium described in (d), or the Bureau of Indian Education, in partnership with—

(1) A nonprofit organization;

(2) A business;

(3) An educational service agency; or

(4) An institution of higher education.

To qualify as a rural applicant under the EIR program, an applicant must meet both of the following requirements:

(a) The applicant is—

(1) An LEA with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

(2) A consortium of such LEAs;

(3) An educational service agency or a nonprofit organization in partnership with such an LEA; or

(4) A grantee described in clause (1) or (2) in partnership with an SEA; and

(b) A majority of the schools to be served by the program are designated with a locale code of 32, 33, 41, 42, or 43, or a combination of such codes, as determined by the Secretary.

Applicants are encouraged to retrieve locale codes from the National Center for Education Statistics School District search tool (*https://nces.ed.gov/ccd/districtsearch/*), where districts can be looked up individually to retrieve locale codes, and Public School search tool (*https://nces.ed.gov/ccd/schoolsearch/*), where individual schools can be looked up to retrieve locale codes. More information on rural applicant eligibility is in the application package.

2. *Cost Sharing or Matching:* Under section 4611(d) of the ESEA, each grant recipient must provide, from Federal, State, local, or private sources, an amount equal to 10 percent of funds provided under the grant, which may be provided in cash or through in-kind contributions, to carry out activities supported by the grant. Grantees must include a budget showing their matching contributions to the budget amount of EIR grant funds and must provide evidence that they have secured their matching contributions for the first year of the grant in their grant applications. Section 4611(d) of the ESEA also authorizes the Secretary to waive this matching requirement on a case-by-case basis, upon a showing of exceptional circumstances, such as:

(a) The difficulty of raising matching funds for a program to serve a rural area;

(b) The difficulty of raising matching funds in areas with a concentration of LEAs or schools with a high percentage of students aged 5 through 17—

(1) Who are in poverty, as counted in the most recent census data approved by the Secretary;

(2) Who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 *et seq.*);

(3) Whose families receive assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*); or

(4) Who are eligible to receive medical assistance under the Medicaid program; and

(c) The difficulty of raising funds on Tribal land.

Applicants that wish to apply for a waiver must include a request in their application that describes why the matching requirement would cause serious hardship or an inability to carry out project activities. Further information about applying for waivers can be found in the application package. However, given the importance of matching funds to the long-term success of the project, the Secretary expects eligible entities to identify appropriate matching funds.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

4. *Other:* a. *Funding Categories:* An applicant will be considered for an award only for the type of EIR grant (*i.e.,* Early-phase, Mid-phase, and Expansion grant) for which it applies. An applicant may not submit an application for the same proposed project under more than one type of grant.

Note: Each application will be reviewed under the competition it was submitted under in the *Grants.gov* system, and only applications that are successfully submitted by the established deadline will be peer-reviewed. Applicants should be careful that they download the intended EIR application package and that they submit their applications under the intended EIR competition.

b. *Evaluation:* The grantee must conduct an independent evaluation of the effectiveness of its project.

c. *High-need students:* The grantee must serve high-need students.

IV. Application and Submission Information

1. *Application Submission Instructions:* For information on how to submit an application please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf.*

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the Expansion grant competition, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

4. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative for an Expansion grant application to no more than 50 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

6. *Notice of Intent to Apply:* We will be able to develop a more efficient process for reviewing grant applications if we know the approximate number of applicants that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify us of the applicant's intent to submit an application by completing a web-based form. When completing this form, applicants will provide (1) the applicant organization's name and address and (2) the absolute priority the applicant intends to address. Applicants may access this form online at *www.surveymonkey.com/r/PXRTP7T.* Applicants that do not complete this form may still submit an application.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for the Expansion grant competition are from 34 CFR 75.210. The points assigned to each criterion are indicated in the parentheses next to the criterion. An applicant may earn up to a total of 100 points based on the selection criteria for the application.

A. Significance (Up to 10 Points)

In determining the significance of the project, the Secretary considers the following factors:

(1) The magnitude or severity of the problem to be addressed by the proposed project.

(2) The national significance of the proposed project.

(3) The extent to which the proposed project represents an exceptional approach to the priority or priorities established for the competition.

B. Strategy to Scale (Up to 35 Points)

In determining the applicant's capacity to scale the proposed project, the Secretary considers the following factors:

(1) The extent to which the applicant demonstrates there is unmet demand for the process, product, strategy, or practice that will enable the applicant to reach the level of scale that is proposed in the application.

(2) The extent to which the applicant identifies a specific strategy or strategies that address a particular barrier or barriers that prevented the applicant, in the past, from reaching the level of scale that is proposed in the application.

(3) The extent to which the results of the proposed project are to be disseminated in ways that will enable others to use the information or strategies.

C. Quality of the Project Design and Management Plan (Up to 35 Points)

In determining the quality of the proposed project design, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(2) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(3) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

(4) The extent to which the applicant demonstrates that it has the resources to operate the project beyond the length of the grant, including a multi-year financial and operating model and accompanying plan; the demonstrated commitment of any partners; evidence of broad support from stakeholders (*e.g.,* SEAs, teachers' unions) critical to the project's long-term success; or more than one of these types of evidence.

D. Quality of the Project Evaluation (Up to 20 Points)

In determining the quality of the project evaluation to be conducted, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation will, if well implemented, produce evidence about the project's effectiveness that would meet the What Works Clearinghouse standards without reservations as described in the What Works Clearinghouse Handbook (as defined in this notice).

(2) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

(3) The extent to which the methods of evaluation will provide valid and reliable performance data on relevant outcomes.

(4) The extent to which the evaluation plan clearly articulates the key project components, mediators, and outcomes, as well as a measurable threshold for acceptable implementation.

Note: Applicants may wish to review the following technical assistance resources on evaluation: (1) WWC Procedures and Standards Handbooks: *https://ies.ed.gov/ncee/wwc/Handbooks;* (2) ''Technical Assistance Materials for Conducting Rigorous

Impact Evaluations'': *http://ies.ed.gov/ncee/projects/evaluationTA.asp;* and (3) IES/NCEE Technical Methods papers: *http://ies.ed.gov/ncee/tech_methods/*. In addition, applicants may view an optional webinar recording that was hosted by the Institute of Education Sciences. The webinar focused on more rigorous evaluation designs, discussing strategies for designing and executing experimental studies that meet WWC evidence standards without reservations. This webinar is available at: *http://ies.ed.gov/ncee/wwc/Multimedia.aspx?sid=18.*

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

Before making awards, we will screen applications submitted in accordance with the requirements in this notice to determine whether applications have met eligibility and other requirements. This screening process may occur at various stages of the process; applicants that are determined to be ineligible will not receive a grant, regardless of peer reviewer scores or comments.

Peer reviewers will read, prepare a written evaluation of, and score the assigned applications, using the selection criteria provided in this notice. For Expansion grant applications we intend to conduct a single-tier review.

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20(c).

Note: A specific deliverable under an Expansion grant that grantees must openly license to the public is the evaluation report. Additionally, EIR grantees are encouraged to submit final studies resulting from research supported in whole or in part by EIR to the Educational Resources Information Center (ERIC, *http://eric.ed.gov*).

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures:* The overall purpose of the EIR program is to expand the implementation of, and investment in, innovative practices that are demonstrated to have an impact on improving student achievement and attainment for high-need students. We have established several performance measures (as defined in this notice) for the Expansion grants.

Annual performance measures: (1) The percentage of grantees that reach

their annual target number of students as specified in the application; (2) the percentage of grantees that reach their annual target number of high-need students as specified in the application; (3) the percentage of grantees with ongoing well-designed and independent evaluations that will provide evidence of their effectiveness at improving student outcomes in multiple contexts; (4) the percentage of grantees that implement a well-designed, well-implemented, and independent evaluation that provides information about the key practices and the approach of the project so as to facilitate replication; (5) the percentage of grantees that implement an evaluation that provides information on the cost effectiveness of the key practices to identify potential obstacles and success factors to scaling; and (6) the cost per student served by the grant.

Cumulative performance measures: (1) The percentage of grantees that reach the targeted number of students specified in the application; (2) the percentage of grantees that reached the targeted number of high-need students specified in the application; (3) the percentage of grantees that implement a completed well-designed, well-implemented, and independent evaluation that provides evidence of their effectiveness at improving student outcomes in multiple contexts; (4) the percentage of grantees with a completed well-designed, well-implemented, and independent evaluation that provides information about the key elements and the approach of the project so as to facilitate replication or testing in other settings; (5) the percentage of grantees with an evaluation that provided information on the cost effectiveness of the key practices, and obstacles and success factors to scaling; and (6) the cost per student served by the grant.

Project-Specific Performance Measures: Applicants must propose project-specific performance measures and performance targets (as defined in this notice) consistent with the objectives of the proposed project. Applications must provide the following information as directed under 34 CFR 75.110(b) and (c):

(1) Performance measures. How each proposed performance measure would accurately measure the performance of the project and how the proposed performance measure would be consistent with the performance measures established for the program funding the competition.

(2) Baseline (as defined in this notice) data. (i) Why each proposed baseline is valid; or (ii) if the applicant has determined that there are no established baseline data for a particular performance measure, an explanation of why there is no established baseline and of how and when, during the project period, the applicant would establish a valid baseline for the performance measure.

(3) Performance targets. Why each proposed performance target is ambitious yet achievable compared to the baseline for the performance measure and when, during the project period, the applicant would meet the performance target(s).

(4) Data collection and reporting. (i) The data collection and reporting methods the applicant would use and why those methods are likely to yield reliable, valid, and meaningful performance data; and (ii) the applicant's capacity to collect and report reliable, valid, and meaningful performance data, as evidenced by high-quality data collection, analysis, and reporting in other projects or research.

All grantees must submit an annual performance report with information that is responsive to these performance measures.

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* Braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 16, 2018.

Margo Anderson,

Acting Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2018–08237 Filed 4–18–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2018–ICCD–0040]

Agency Information Collection Activities; Comment Request; Formula Grant EASIE Annual Performance Report

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 18, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0040. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–44, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kimberly Smith, 202–453–6459.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the

following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Formula Grant EASIE Annual Performance Report.

OMB Control Number: 1810–0726.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 1,300.

Total Estimated Number of Annual Burden Hours: 14,300.

Abstract: The purpose of Indian Education Formula Grant to Local Agencies, as authorized under section 6116 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) is to assist grantees to provide Indian students with the opportunity to meet the same challenging state standards as all other students and meet the unique educational and culturally related academic needs of American Indian and Alaska Native students. The Indian Education Formula Grant (CFDA 84.060A), is neither competitive nor discretionary and requires the annual submission of the application from either a local education agency, tribe, Indian organization or Indian community based organization. The amount of the award for each applicant is determined by a formula based on the reported number of American Indian/Alaska Native students identified in the application, the state per pupil expenditure, and the total appropriation available. The Office of Indian Education of The Department of Education collects annual performance data within the same system that collects the annual application. The application and the annual performance report are both housed in the Education Data Exchange Network (EDEN) Submission System. The 524B Annual Performance Report (APR) was designed for discretionary grants, however the title VI program is a formula grant program. The EASIE APR goes beyond the generic 524B APR and facilitates the collection of more specific and comprehensive data due to grantees entering project specific data into an online database.

Dated: April 16, 2018.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–08223 Filed 4–18–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2018–ICCD–0011]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application for the U.S. Presidential Scholars Program

AGENCY: Office of Communications and Outreach (OCO), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 21, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0011. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–32, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Simone Olson, 202–205–8719.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application for the U.S. Presidential Scholars Program.

OMB Control Number: 1860–0504.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 3,300.

Total Estimated Number of Annual Burden Hours: 52,800.

Abstract: The United States Presidential Scholars Program is a national recognition program to honor outstanding graduating high school seniors. Candidates are invited to apply based on academic achievements on the SAT or ACT assessments, through nomination from Chief State School Officers, other recognition program partner organizations, on artistic merits based on participation in a national talent program and achievement in career and technical education programs. This program was established by Presidential Executive Orders 11155, 12158 and 13697.

Dated: April 16, 2018.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–08212 Filed 4–18–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Education Innovation and Research Program—Early-Phase Grants

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2018 for the Education Innovation and Research Program—Early-phase Grants, Catalog of Federal Domestic Assistance (CFDA) number 84.411C (Early-phase Grants).

DATES:

Applications Available: April 23, 2018.

Deadline for Notice of Intent to Apply: May 9, 2018.

Deadline for Transmittal of Applications: June 5, 2018.

Deadline for Intergovernmental Review: August 6, 2018.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf.*

FOR FURTHER INFORMATION CONTACT: Kelly Terpak, U.S. Department of Education, 400 Maryland Avenue SW, Room 4W312, Washington, DC 20202–5900. Telephone: (202) 453–7122. Email: *eir@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Education Innovation and Research (EIR) program, established under section 4611 of the Elementary and Secondary Education Act, as amended (ESEA), provides funding to create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students; and rigorously evaluate such innovations. The EIR program is designed to generate and validate solutions to persistent educational challenges and to support the expansion of those solutions to serve substantially larger numbers of students.

The central design element of the EIR program is its multi-tier structure that links the amount of funding that an applicant may receive to the quality of the evidence supporting the efficacy of the proposed project, with the expectation that projects that build this evidence will advance through EIR's grant tiers: ''Early-phase,'' ''Mid-phase,'' and ''Expansion.'' Applicants proposing innovative projects that are supported by limited evidence can receive relatively small grants to support the development, implementation, and initial evaluation of the practices; applicants proposing projects supported by evidence from rigorous evaluations, such as an experimental study (as defined in this notice), can receive larger grant awards to support expansion across the country. This structure provides incentives for applicants to: (1) Explore new ways of addressing persistent challenges that other educators can build on and learn from; (2) build evidence of effectiveness of their practices; and (3) replicate and scale successful practices in new schools, districts, and States while addressing the barriers to scale, such as cost structures and implementation fidelity.

All EIR projects are expected to generate information regarding their effectiveness in order to inform EIR grantees' efforts to learn about and improve upon their efforts, and to help similar, non-EIR efforts across the country benefit from EIR grantees' knowledge. By requiring that all grantees conduct independent evaluations of their EIR projects, EIR ensures that its funded projects make a significant contribution to improving the quality and quantity of information available to practitioners and policymakers about which practices improve student achievement and attainment, for which types of students, and in what contexts.

The Department awards three types of grants under this program: ''Early-phase'' grants, ''Mid-phase'' grants, and ''Expansion'' grants. These grants differ in terms of the level of prior evidence of effectiveness required for consideration for funding, the expectations regarding the kind of evidence and information funded projects should produce, the level of scale funded projects should reach, and, consequently, the amount of funding available to support each type of project.

Early-phase grants provide funding to support the development, implementation, and feasibility testing of a program, which prior research suggests has promise, for the purpose of determining whether the program can successfully improve student achievement and attainment for high-need students. Early-phase grants must demonstrate a rationale (as defined in this notice). These Early-phase grants are not intended simply to implement established practices in additional locations or address needs that are unique to one particular context. The goal is to determine whether and in what ways relatively newer practices can improve student achievement and attainment for high–need students.

This notice invites applications for Early-phase grants only. The notices inviting applications for Mid-phase and Expansion grants are published elsewhere in this issue of the **Federal Register**.

Background: EIR is designed to offer opportunities for States, districts, schools, and educators to develop innovations and scale effective practices that address their most pressing challenges. Early-phase grantees are encouraged to make continuous improvements in project design and implementation before conducting a full-scale evaluation of effectiveness. Grantees should consider questions such as:

- How easy would it be for others to implement this practice, and how can its implementation be improved?
- How can I use data from early indicators to gauge impact, and what changes in implementation and student achievement do these early indicators suggest?

By focusing on continuous improvement and iterative development, Early-phase grantees can make adaptations that are necessary to increase their practice's potential to be effective and ensure that the EIR-funded evaluation assesses the impact of a thoroughly conceived practice.

Early-phase applicants should develop, implement, and test the feasibility of their projects. The evaluation of an Early-phase project should be an experimental or quasi-experimental design study (as defined in this notice) that can determine whether the program can successfully improve student achievement and attainment for high-need students. Early-phase grantees' evaluation designs are encouraged to have the potential to meet the moderate evidence (as defined in this notice) threshold. The Department intends to provide grantees and their independent evaluators with evaluation technical assistance. This evaluation technical assistance could include grantees and their independent evaluators providing to the Department or its contractor updated comprehensive evaluation plans in a format as

requested by the technical assistance provider and using such tools as the Department may request. Grantees will be encouraged to update this evaluation plan at least annually to reflect any changes to the evaluation, with updates consistent with the scope and objectives of the approved application.

The FY 2018 Early-phase competition includes three absolute priorities and two invitational priorities. All Early-phase applicants must address Absolute Priority 1. Early-phase applicants are also required to address one of the other two absolute priorities. Applicants have the option of addressing one or more of the invitational priorities.

The absolute priorities and invitational priorities align with the purpose of the program and the Administration's priorities. Absolute Priority 1 establishes the evidence requirement for the Early-phase tier of grants. Section 4611(a)(1)(A) of the ESEA requires that Early-phase grants be evidence-based. For this competition that means applicants must demonstrate a rationale, as defined in section 8101(21)(A)(ii)(I) of the ESEA, in order to meet Absolute Priority 1. Absolute Priority 2 aligns with the EIR program as it is intended to take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment. In addition to incorporating the focus on field-initiated innovations in Absolute Priority 2, Absolute Priority 3 aligns with the Administration's efforts to invest in science, technology, engineering, and math (STEM) education in order to ensure our Nation's economic competitiveness by improving and expanding STEM learning and engagement. Invitational Priority 1 is intended to encourage applicants to focus on the needs of each child, with customized learning opportunities tailored to the needs of individual students. Invitational Priority 2 is intended to encourage applicants to improve early learning and cognitive development outcomes. Through these priorities, the Department intends to advance innovation and the use and building of evidence, and address the learning and achievement of high-need students.

Priorities: This competition includes three absolute priorities. In accordance with 34 CFR 75.105(b)(2)(iv), Absolute Priority 1 is from sections 4611(a)(1) and 8101(21)(a)(ii)(I) of the ESEA. Absolute Priority 2 is from section 4611(a)(1)(A) of the ESEA. Absolute Priority 3 is from section 4611(a)(1)(A) of the ESEA and the Secretary's Final Supplemental Priorities and Definitions for Discretionary Grant Programs, published in the **Federal Register** on March 2, 2018 (83 FR 9096) (Supplemental Priorities). We also include two invitational priorities.

Under the Early-phase grant competition, Absolute Priorities 2 and 3 constitute their own funding categories. The Secretary intends to award grants under each of these absolute priorities for which applications of sufficient quality are submitted. Because applications will be rank ordered separately for Absolute Priorities 2 and 3, applicants must clearly identify the specific absolute priority that the proposed project addresses.

Absolute Priorities: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 34.105(c)(3), we consider only applications that meet Absolute Priority 1, Demonstrates a Rationale, and one additional absolute priority.

These priorities are:

Absolute Priority 1—Demonstrates a Rationale

Under this priority, we provide funding to projects that demonstrate a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes.

Absolute Priority 2—Field-Initiated Innovations—General

Under the priority, we provide funding to projects that are designed to create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students.

Absolute Priority 3— Field-Initiated Innovations—Promoting Science, Technology, Engineering, or Math (STEM) Education, With a Particular Focus on Computer Science

Under the priority, we provide funding to projects that are designed to:

(1) Create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students, and;

(2) Improve student achievement or other educational outcomes in one or more of the following areas: science, technology, engineering, math, or computer science (as defined in this notice). These projects must address the following priority area:

Creating or expanding partnerships between schools, local educational agencies, State educational agencies, businesses, not-for-profit organizations, or institutions of higher education to give students access to internships, apprenticeships, or other work-based learning experiences in STEM fields, including computer science (as defined in this notice).

Invitational Priorities: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are invitational priorities. Under 34 CFR.105(c)(1) we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority One—Personalized Learning

Projects that support educators in personalizing learning for all students so that learning opportunities may be tailored to fit the needs of individual students. In personalized learning environments, the pace, location, and delivery method of education may vary based on individual student interests and needs. Personalized learning approaches recognize that there are multiple pathways through which students can develop and demonstrate academic competencies and social-emotional skills aligned to college- and career-ready standards and that students may attain these competencies and skills in different amounts of time. Examples of personalized learning instructional approaches include dynamic student groupings, student-driven projects, and the use of adaptive technologies, such as digital curricula to both accelerate, and to target gaps in, student learning. Personalized learning approaches use data to provide ongoing feedback about student progress to educators, students, and their families and to adjust learning strategies in real-time.

Invitational Priority Two—Early Learning and Cognitive Development

The Department is especially interested in projects that improve early learning and cognitive development outcomes through neuroscience-based and scientifically validated interventions.

Definitions: The definitions of ''baseline,'' ''demonstrates a rationale,'' ''experimental study,'' ''logic model,'' ''moderate evidence,'' ''nonprofit,'' ''performance measure,'' ''performance target,'' ''project component,'' ''quasi-experimental design study,'' ''relevant outcome,'' and ''What Works Clearinghouse Handbook (WWC

Handbook)'' are from 34 CFR 77.1. The definition for ''computer science'' is from the Supplemental Priorities. The definitions of ''local educational agency'' and ''State educational agency'' are from section 8101 of the ESEA.

Baseline means the starting point from which performance is measured and targets are set.

Computer science means the study of computers and algorithmic processes and includes the study of computing principles and theories, computational thinking, computer hardware, software design, coding, analytics, and computer applications.

Computer science often includes computer programming or coding as a tool to create software, including applications, games, websites, and tools to manage or manipulate data; or development and management of computer hardware and the other electronics related to sharing, securing, and using digital information.

In addition to coding, the expanding field of computer science emphasizes computational thinking and interdisciplinary problem-solving to equip students with the skills and abilities necessary to apply computation in our digital world.

Computer science does not include using a computer for everyday activities, such as browsing the internet; use of tools like word processing, spreadsheets, or presentation software; or using computers in the study and exploration of unrelated subjects.

Demonstrates a rationale means a key project component (as defined in this notice) included in the project's logic model (as defined in this notice) is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes (as defined in this notice).

Experimental study means a study that is designed to compare outcomes between two groups of individuals (such as students) that are otherwise equivalent except for their assignment to either a treatment group receiving a project component or a control group that does not. Randomized controlled trials, regression discontinuity design studies, and single-case design studies are the specific types of experimental studies that, depending on their design and implementation (*e.g.,* sample attrition in randomized controlled trials and regression discontinuity design studies), can meet What Works Clearinghouse (WWC) standards without reservations as described in the WWC Handbook (as defined in this notice):

(i) A randomized controlled trial employs random assignment of, for example, students, teachers, classrooms, or schools to receive the project component being evaluated (the treatment group) or not to receive the project component (the control group).

(ii) A regression discontinuity design study assigns the project component being evaluated using a measured variable (*e.g.,* assigning students reading below a cutoff score to tutoring or developmental education classes) and controls for that variable in the analysis of outcomes.

(iii) A single-case design study uses observations of a single case (*e.g.,* a student eligible for a behavioral intervention) over time in the absence and presence of a controlled treatment manipulation to determine whether the outcome is systematically related to the treatment.

Local educational agency (LEA) means:

(a) In General. A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(b) Administrative Control and Direction. The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(c) Bureau of Indian Education Schools. The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under the ESEA with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency (as defined in this notice) other than the Bureau of Indian Education.

(d) Educational Service Agencies. The term includes educational service agencies and consortia of those agencies.

(e) State educational agency. The term includes the State educational agency in a State in which the State educational agency is the sole educational agency for all public schools.

Logic model (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

Moderate evidence means that there is evidence of effectiveness of a key project component in improving a relevant outcome for a sample that overlaps with the populations or settings proposed to receive that component, based on a relevant finding from one of the following:

(i) A practice guide prepared by the WWC using version 2.1 or 3.0 of the WWC Handbook reporting a ''strong evidence base'' or ''moderate evidence base'' for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC using version 2.1 or 3.0 of the WWC Handbook reporting a ''positive effect'' or ''potentially positive effect'' on a relevant outcome based on a ''medium to large'' extent of evidence, with no reporting of a ''negative effect'' or ''potentially negative effect'' on a relevant outcome; or

(iii) A single experimental study or quasi-experimental design study reviewed and reported by the WWC using version 2.1 or 3.0 of the WWC Handbook, or otherwise assessed by the Department using version 3.0 of the WWC Handbook, as appropriate, and that—

(A) Meets WWC standards with or without reservations;

(B) Includes at least one statistically significant and positive (*i.e.,* favorable) effect on a relevant outcome;

(C) Includes no overriding statistically significant and negative effects on relevant outcomes reported in the study or in a corresponding WWC intervention report prepared under version 2.1 or 3.0 of the WWC Handbook; and

(D) Is based on a sample from more than one site (*e.g.,* State, county, city, school district, or postsecondary campus) and includes at least 350 students or other individuals across sites. Multiple studies of the same project component that each meet requirements in paragraphs (iii)(A), (B), and (C) of this definition may together satisfy this requirement.

Nonprofit, as applied to an agency, organization, or institution, means that it is owned and operated by one or more corporations or associations whose net

earnings do not benefit, and cannot lawfully benefit, any private shareholder or entity.

Performance measure means any quantitative indicator, statistic, or metric used to gauge program or project performance.

Performance target means a level of performance that an applicant would seek to meet during the course of a project or as a result of a project.

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.,* training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Quasi-experimental design study means a study using a design that attempts to approximate an experimental study by identifying a comparison group that is similar to the treatment group in important respects. This type of study, depending on design and implementation (*e.g.,* establishment of baseline equivalence of the groups being compared), can meet WWC standards with reservations, but cannot meet WWC standards without reservations, as described in the WWC Handbook.

Relevant outcome means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

State educational agency (SEA) means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

What Works Clearinghouse Handbook (WWC Handbook) means the standards and procedures set forth in the WWC Procedures and Standards Handbook, Version 3.0 or Version 2.1 (incorporated by reference, see 34 CFR 77.2). Study findings eligible for review under WWC standards can meet WWC standards without reservations, meet WWC standards with reservations, or not meet WWC standards. WWC practice guides and intervention reports include findings from systematic reviews of evidence as described in the Handbook documentation.

Program Authority: Section 4611 of the ESEA, 20 U.S.C. 7261.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474. (d) The Supplemental Priorities.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $115,000,000.

These estimated available funds are the total available for all three types of grants under the EIR program (Early-phase, Mid-phase, and Expansion grants). Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Average Size of Awards: Up to $4,000,000.

Maximum Award: We will not make an award exceeding $4,000,000 for a single project period of 60 months.

Estimated Number of Awards: 8–16.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Note: Under section 4611(c) of the ESEA, the Department must use at least 25 percent of EIR funds for a fiscal year to make awards to applicants serving rural areas, contingent on receipt of a sufficient number of applications of sufficient quality. For purposes of this competition, we will consider an applicant as rural if the applicant meets the qualifications for rural applicants as described in the eligible applicants section and the applicant certifies that it meets those qualifications through the application. In implementing this statutory provision, the Department may fund high-quality applications from rural applicants out of rank order in the Early-phase competition.

III. Eligibility Information

1. *Eligible Applicants:*

(a) An LEA;

(b) An SEA;

(c) The Bureau of Indian Education;

(d) A consortium of SEAs or LEAs;

(e) A nonprofit organization; and

(f) An SEA, an LEA, a consortium described in (d), or the Bureau of Indian Education, in partnership with—

(1) A nonprofit organization;

(2) A business;

(3) An educational service agency; or

(4) An institution of higher education.

To qualify as a rural applicant under the EIR program, an applicant must meet both of the following requirements:

(a) The applicant is—

(1) An LEA with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

(2) A consortium of such LEAs;

(3) An educational service agency or a nonprofit organization in partnership with such an LEA; or

(4) A grantee described in clause (1) or (2) in partnership with an SEA; and

(b) A majority of the schools to be served by the program are designated with a locale code of 32, 33, 41, 42, or 43, or a combination of such codes, as determined by the Secretary.

Applicants are encouraged to retrieve locale codes from the National Center for Education Statistics School District search tool (*https://nces.ed.gov/ccd/districtsearch/*), where districts can be looked up individually to retrieve locale codes, and Public School search tool (*https://nces.ed.gov/ccd/schoolsearch/*), where individual schools can be looked up to retrieve locale codes. More information on rural applicant eligibility is in the application package.

2. *Cost Sharing or Matching:* Under section 4611(d) of the ESEA, each grant recipient must provide, from Federal, State, local, or private sources, an amount equal to 10 percent of funds provided under the grant, which may be provided in cash or through in-kind contributions, to carry out activities supported by the grant. Grantees must include a budget showing their matching contributions to the budget amount of EIR grant funds and must provide evidence of their matching contributions for the first year of the grant in their grant applications. Section 4611(d) of the ESEA also authorizes the Secretary to waive this matching requirement on a case-by-case basis, upon a showing of exceptional circumstances, such as:

(a) The difficulty of raising matching funds for a program to serve a rural area;

(b) The difficulty of raising matching funds in areas with a concentration of LEAs or schools with a high percentage of students aged 5 through 17—

(1) Who are in poverty, as counted in the most recent census data approved by the Secretary;

(2) Who are eligible for a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 *et seq.*);

(3) Whose families receive assistance under the State program funded under

part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*); or

(4) Who are eligible to receive medical assistance under the Medicaid program; and

(c) The difficulty of raising funds on Tribal land.

Applicants that wish to apply for a waiver must include a request in their application that describes why the matching requirement would cause serious hardship or an inability to carry out project activities. Further information about applying for waivers can be found in the application package. However, given the importance of matching funds to the long-term success of the project, the Secretary expects eligible entities to identify appropriate matching funds.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

4. *Other:* a. *Funding Categories:* An applicant will be considered for an award only for the type of EIR grant (*i.e.,* Early-phase, Mid-phase, and Expansion grant) for which it applies. An applicant may not submit an application for the same proposed project under more than one type of grant.

Note: Each application will be reviewed under the competition it was submitted under in the *Grants.gov* system, and only applications that are successfully submitted by the established deadline will be peer reviewed. Applicants should be careful that they download the intended EIR application package and that they submit their applications under the intended EIR competition.

b. *Evaluation:* The grantee must conduct an independent evaluation of the effectiveness of its project.

c. *High-need students:* The grantee must serve high-need students.

IV. Application and Submission Information

1. *Application Submission Instructions:* For information on how to submit an application please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf.*

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the Early-phase grant competition, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

4. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative for an Early-phase grant application to no more than 25 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

6. *Notice of Intent to Apply:* We will be able to develop a more efficient process for reviewing grant applications if we know the approximate number of applicants that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify us of the applicant's intent to submit an application by completing a web-based form. When completing this form, applicants will provide (1) the applicant organization's name and address and (2) the absolute priority the applicant intends to address. Applicants may access this form online at *www.surveymonkey.com/r/68R7WHZ.* Applicants that do not complete this form may still submit an application.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for the Early-phase competition are from 34 CFR 75.210. The points assigned to each criterion are indicated in the parentheses next to the criterion. An applicant may earn up to a total of 100 points based on the selection criteria for the application.

A. Significance (Up to 30 Points)

In determining the significance of the project, the Secretary considers the following factors:

(1) The national significance of the proposed project.

(2) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies.

(3) The extent to which the proposed project demonstrates a rationale (as defined in this notice).

(4) The extent to which the proposed project represents an exceptional approach to the priority or priorities established for the competition.

B. Quality of the Project Design and Management Plan (Up to 50 Points)

In determining the quality of the proposed project design, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(2) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(3) The extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

(4) The mechanisms the applicant will use to broadly disseminate information on its project so as to

support further development or replication.

C. Quality of the Project Evaluation (Up to 20 Points)

In determining the quality of the project evaluation to be conducted, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation will, if well implemented, produce evidence about the project's effectiveness that would meet the What Works Clearinghouse standards with or without reservations as described in the What Works Clearinghouse Handbook (as defined in this notice).

(2) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

(3) The extent to which the methods of evaluation will provide valid and reliable performance data on relevant outcomes.

(4) The extent to which the evaluation plan clearly articulates the key project components, mediators, and outcomes, as well as a measurable threshold for acceptable implementation.

Note: Applicants may wish to review the following technical assistance resources on evaluation: (1) WWC Procedures and Standards Handbooks: *https://ies.ed.gov/ncee/wwc/Handbooks;* (2) ''Technical Assistance Materials for Conducting Rigorous Impact Evaluations'': *http://ies.ed.gov/ncee/projects/evaluationTA.asp;* and (3) IES/NCEE Technical Methods papers: *http://ies.ed.gov/ncee/tech_methods/.* In addition, applicants may view two optional webinar recordings that were hosted by the Institute of Education Sciences. The first webinar discussed strategies for designing and executing well-designed quasi-experimental design studies and is available at: *http://ies.ed.gov/ncee/wwc/Multimedia.aspx?sid=23.* The second webinar focused on more rigorous evaluation designs, discussing strategies for designing and executing experimental studies that meet WWC evidence standards without reservations. This webinar is available at: *http://ies.ed.gov/ncee/wwc/Multimedia.aspx?sid=18.*

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

For Early-phase grant applications, the Department intends to conduct a two-tier review process to review and score all eligible applications. Reviewers will review and score all eligible Early-phase applications on the following two criteria: A. Significance, and B. Quality of the Project Design and Management Plan. Applications that score highly on these two criteria will then have the remaining criterion, C. Quality of the Project Evaluation, reviewed and scored by a different panel of reviewers with evaluation expertise.

Before making awards, we will screen applications submitted in accordance with the requirements in this notice to determine whether applications have met eligibility and other requirements. This screening process may occur at various stages of the process; applicants that are determined to be ineligible will not receive a grant, regardless of peer reviewer scores or comments.

Peer reviewers will read, prepare a written evaluation of, and score the assigned applications, using the selection criteria provided in this notice.

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing

requirements please refer to 2 CFR 3474.20(c).

Note: A specific deliverable under an Early-phase grant that grantees must openly license to the public is the evaluation report. Additionally, EIR grantees are encouraged to submit final studies resulting from research supported in whole or in part by EIR to the Educational Resources Information Center (*http://eric.ed.gov*).

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures:* The overall purpose of the EIR program is to expand the implementation of, and investment in, innovative practices that are demonstrated to have an impact on improving student achievement and attainment for high–need students. We have established several performance measures (as defined in this notice) for the Early-phase grants. By reporting on these performance measures in Annual and Final Performance reports, grantees will satisfy the requirement in section 8101(21)(A)(ii)(II) of the ESEA for projects relying on the ''demonstrates a rationale'' evidence level to have ''ongoing efforts to examine the effects'' of the funded activity, strategy, or intervention.

Annual performance measures: (1) The percentage of grantees that reach their annual target number of students as specified in the application; (2) the percentage of grantees that reach their annual target number of high-need students as specified in the application; (3) the percentage of grantees with evaluations designed to provide performance feedback to inform project design; (4) the percentage of grantees with ongoing well-designed and independent evaluations that will provide evidence of their effectiveness at improving student outcomes; (5) the percentage of grantees that implement an evaluation that provides information about the key elements and the approach of the project so as to facilitate testing, development, or replication in other settings; and (6) the cost per student served by the grant.

Cumulative performance measures: (1) The percentage of grantees that reach the targeted number of students specified in the application; (2) the percentage of grantees that reached the target number of high-need students specified in the application; (3) the percentage of grantees that use evaluation data to make changes to their practice(s); (4) the percentage of grantees that implement a completed well-designed, well-implemented, and independent evaluation that provides evidence of their effectiveness at improving student outcomes; (5) the percentage of grantees with a completed evaluation that provides information about the key elements and the approach of the project so as to facilitate testing, development, or replication in other settings; and (6) the cost per student served by the grant.

Project-Specific Performance Measures: Applicants must propose project-specific performance measures and performance targets (as defined in this notice) consistent with the objectives of the proposed project. Applications must provide the following information as directed under 34 CFR 75.110(b) and (c):

(1) Performance measures. How each proposed performance measure would accurately measure the performance of the project and how the proposed performance measure would be consistent with the performance measures established for the program funding the competition.

(2) Baseline (as defined in this notice) data. (i) Why each proposed baseline is valid; or (ii) if the applicant has determined that there are no established baseline data for a particular performance measure, an explanation of why there is no established baseline and of how and when, during the project period, the applicant would establish a valid baseline for the performance measure.

(3) Performance targets. Why each proposed performance target is ambitious yet achievable compared to the baseline for the performance measure and when, during the project period, the applicant would meet the performance target(s).

(4) Data collection and reporting. (i) The data collection and reporting methods the applicant would use and why those methods are likely to yield reliable, valid, and meaningful performance data; and (ii) the applicant's capacity to collect and report reliable, valid, and meaningful performance data, as evidenced by high-quality data collection, analysis, and reporting in other projects or research.

All grantees must submit an annual performance report with information that is responsive to these performance measures.

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register.** You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 16, 2018.

Margo Anderson,

Acting Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2018–08239 Filed 4–18–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Education Innovation and Research Program—Mid-Phase Grants

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2018 for the Education Innovation and Research Program—Mid-phase Grants, Catalog of Federal Domestic Assistance (CFDA) number 84.411B (Mid-phase Grants).

DATES:

Applications Available: April 23, 2018.

Deadline for Notice of Intent To Apply: May 9, 2018.

Deadline for Transmittal of Applications: June 5, 2018.

Deadline for Intergovernmental Review: August 6, 2018.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf.*

FOR FURTHER INFORMATION CONTACT: Kelly Terpak, U.S. Department of Education, 400 Maryland Avenue SW, Room 4W312, Washington, DC 20202–5900. Telephone: (202) 453–7122. *Email: eir@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll-free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Education Innovation and Research (EIR) program, established under section 4611 of the Elementary and Secondary Education Act, as amended (ESEA), provides funding to create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students; and rigorously evaluate such innovations. The EIR program is designed to generate and validate solutions to persistent educational challenges and to support the expansion of those solutions to serve substantially larger numbers of students.

The central design element of the EIR program is its multi-tier structure that links the amount of funding that an applicant may receive to the quality of the evidence supporting the efficacy of the proposed project, with the expectation that projects that build this evidence will advance through EIR's grant tiers: ''Early-phase,'' ''Mid-phase,'' and ''Expansion.'' Applicants proposing innovative practices that are supported by limited evidence can receive relatively small grants to support the development, implementation, and initial evaluation of the practices; applicants proposing practices supported by evidence from rigorous evaluations, such as an experimental study (as defined in this notice), can receive larger grant awards to support expansion across the country. This structure provides incentives for applicants to: (1) Explore new ways of addressing persistent challenges that other educators can build on and learn from; (2) build evidence of effectiveness of their practices; and (3) replicate and scale successful practices in new schools, districts, and States while addressing the barriers to scale, such as cost structures and implementation fidelity.

All EIR projects are expected to generate information regarding their effectiveness in order to inform EIR grantees' efforts to learn about and improve upon their efforts, and to help similar, non-EIR efforts across the country benefit from EIR grantees' knowledge. By requiring that all grantees conduct independent evaluations of their EIR projects, EIR ensures that its funded projects make a significant contribution to improving the quality and quantity of information available to practitioners and policymakers about which practices improve student achievement, for which types of students, and in what contexts.

The Department awards three types of grants under this program: ''Early-phase'' grants, ''Mid-phase'' grants, and ''Expansion'' grants. These grants differ in terms of the level of prior evidence of effectiveness required for consideration for funding, the expectations regarding the kind of evidence and information funded projects should produce, the level of scale funded projects should reach, and, consequently, the amount of funding available to support each type of project.

The Department expects that Mid-phase grants will be used to fund implementation and a rigorous evaluation of a program that has been successfully implemented under an Early-phase grant or other effort meeting similar criteria, for the purpose of measuring the program's impact and cost- effectiveness, if possible using existing administrative data. Mid-phase grants are supported by moderate evidence (as defined in this notice) for at least one population or setting, and grantees are encouraged to implement at the regional level (as defined in this notice) or at the national level (as defined in this notice). This notice invites applications for Mid-phase grants only. The notices inviting applications for Early-phase and Expansion grants are published elsewhere in this issue of the **Federal Register**.

Background: Mid-phase projects are expected to refine and expand the use of practices with prior evidence of effectiveness in order to improve outcomes for high-need students. They are also expected to generate important information about an intervention's effectiveness, including for whom and in which contexts a practice is most effective, as well as cost-effective.

With the funded Mid-phase projects, we aim to accelerate the building of a knowledge base of effective practices for addressing challenges and increase the likelihood that grantees can learn from one another while still exploring different approaches. We believe that improving outcomes across the education sector depends, in part, upon policymakers, practitioners, and researchers continually building upon one another's efforts to have the greatest impact.

Mid-phase applicants are encouraged to design an evaluation that has the potential to meet the strong evidence (as defined in this notice) threshold. Mid-phase grantees should measure the cost-effectiveness of their practices using administrative or other readily available data. These types of efforts are critical to sustaining and scaling EIR-funded effective practices after the EIR grant period ends, assuming that the practice has positive effects on important student outcomes. In order to support adoption or replication by other entities, the evaluation of a Mid-phase project should identify and codify the core elements of the EIR-supported practice that the project implements, and examine the effectiveness of the project for any new populations or settings that are included in the project. The Department intends to provide grantees and their independent evaluators with evaluation technical assistance. This evaluation technical assistance could include grantees and their independent evaluators providing to the Department or its contractor updated comprehensive evaluation plans in a format as requested by the technical assistance provider and using such tools as the Department may request. Grantees will be encouraged to update this evaluation plan at least annually to reflect any changes to the evaluation, with updates consistent with the scope and objectives of the approved application.

The FY 2018 Mid-phase competition includes three absolute priorities and

two invitational priorities. All Mid-phase applicants must address Absolute Priority 1. Mid-phase applicants are also required to address one of the other two absolute priorities. Applicants have the option of addressing one or more of the invitational priorities.

The absolute priorities and invitational priorities align with the purpose of the program and the Administration's priorities. Absolute Priority 1 establishes the evidence requirement for this tier of grants. Absolute Priority 2 aligns with the EIR program as it is intended to take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment. In addition to incorporating the focus on field-initiated innovations in Absolute Priority 2, Absolute Priority 3 aligns with the Administration's efforts to invest in science, technology, engineering, and math (STEM) education in order to ensure our Nation's economic competitiveness by improving and expanding STEM learning and engagement. Invitational Priority 1 is intended to encourage applicants to focus on the needs of each child, with customized learning opportunities tailored to the needs of individual students. Invitational Priority 2 is intended to encourage applicants to improve early learning and cognitive development outcomes. Through these priorities, the Department intends to advance innovation and the use and building of evidence and address the learning and achievement of high-need students.

Priorities: This competition includes three absolute priorities and two invitational priorities. In accordance with 34 CFR 75.105(b)(2)(iv), Absolute Priority 1 is from 34 CFR 75.226(d)(2). Absolute Priority 2 is from section 4611(a)(1)(A) of the ESEA. Absolute Priority 3 is from section 4611(a)(1)(A) of the ESEA and the Secretary's Final Supplemental Priorities and Definitions for Discretionary Grant Programs, published in the **Federal Register** on March 2, 2018 (83 FR 9096) (Supplemental Priorities).

Under the Mid-phase grant competition, absolute priorities 2 and 3 constitute their own funding categories. The Secretary intends to award grants under each of these absolute priorities for which applications of sufficient quality are submitted. Because applications will be rank ordered separately for absolute priorities 2 and 3, applicants must clearly identify the specific absolute priority that the proposed project addresses.

Absolute Priorities: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet Absolute Priority 1, Moderate Evidence, and one additional absolute priority.

These priorities are:

Absolute Priority 1—Moderate Evidence

Under this priority, we provide funding to projects supported by moderate evidence.

Note: An applicant must identify up to two study citations to be reviewed against the What Works Clearinghouse (WWC) Handbook (as defined in this notice) for the purposes of meeting moderate evidence. The studies may have been conducted by the applicant or by a third party. An applicant should clearly identify these citations in the Evidence form. The Department may not review a study citation that an applicant fails to clearly identify for review. In addition to including up to two study citations, applicants must include in the form a description of: (1) The positive student outcomes they intend to replicate under their Mid-phase grant and how the characteristics of students and the positive student outcomes in the study citations correspond with the characteristics of the high-need students to be served under the Mid-phase grant; (2) the correspondence of practice(s) the applicant plans to implement with the practice(s) cited in the studies; and (3) the intended student outcomes that the proposed practice(s) attempts to impact.

An applicant must ensure that all evidence is available to the Department from publicly available sources and provide links or other guidance indicating where it is available. If the Department determines that an applicant has provided insufficient information, the applicant will not have an opportunity to provide additional information at a later time. However, if the WWC determines that a study does not provide enough information on key aspects of the study design, such as sample attrition or equivalence of intervention and comparison groups, the WWC will submit a query to the study author(s) to gather information for use in determining a study rating. Authors are asked to respond to queries within 10 business days. Should the author query remain incomplete within 14 days of the initial contact to the study author(s), the study will be deemed ineligible under the grant competition. After the grant competition closes, the WWC will continue to include responses to author queries and will make updates to study reviews as necessary, but no additional information will be taken into account after the competition closes and the initial timeline established for response to an author query passes.

Absolute Priority 2—Field-Initiated Innovations—General

Under the priority, we provide funding to projects that are designed to create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students.

Absolute Priority 3— Field-Initiated Innovations—Promoting Science, Technology, Engineering, or Math (STEM) Education, With a Particular Focus on Computer Science

Under the priority, we provide funding to projects that are designed to:

(1) Create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students, and;

(2) Improve student achievement or other educational outcomes in one or more of the following areas: Science, technology, engineering, math, or computer science (as defined in this notice). These projects must address the following priority area:

Increasing access to STEM coursework, including computer science (as defined in this notice), and hands-on learning opportunities, such as through expanded course offerings, dual-enrollment, high-quality online coursework, or other innovative delivery mechanisms.

Invitational Priorities: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are invitational priorities. Under 34 CFR.105(c)(1) we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority One—Personalized Learning

Projects that support educators in personalizing learning for all students so that learning opportunities may be tailored to fit the needs of individual students. In personalized learning environments, the pace, location, and delivery method of education may vary based on individual student interests and needs. Personalized learning approaches recognize that there are multiple pathways through which students can develop and demonstrate academic competencies and social-emotional skills aligned to college- and career-ready standards and that students may attain these competencies and

skills at different times. Examples of personalized learning instructional approaches include dynamic student groupings, student-driven projects, and the use of adaptive technologies such as digital curricula to both accelerate, and targeting gaps in, student learning. Personalized learning approaches use data to provide ongoing feedback about student progress to educators, students, and their families and to adjust learning strategies in real time.

Invitational Priority Two—Early Learning and Cognitive Development

The Department is especially interested in projects that improve early learning and cognitive development outcomes through neuroscience-based and scientifically validated interventions.

Definitions: The definitions of ''baseline,'' ''experimental study,'' ''moderate evidence,'' ''national level,'' ''nonprofit,'' ''performance measure,'' ''performance target,'' ''project component,'' ''quasi-experimental design study,'' ''regional level,'' ''relevant outcome,'' ''strong evidence,'' and ''What Works Clearinghouse Handbook (WWC Handbook)'' are from 34 CFR 77.1. The definition for ''computer science'' is from the Supplemental Priorities. The definitions of ''local educational agency'' and ''State educational agency'' are from section 8101 of the ESEA.

Baseline means the starting point from which performance is measured and targets are set.

Computer science means the study of computers and algorithmic processes and includes the study of computing principles and theories, computational thinking, computer hardware, software design, coding, analytics, and computer applications.

Computer science often includes computer programming or coding as a tool to create software, including applications, games, websites, and tools to manage or manipulate data; or development and management of computer hardware and the other electronics related to sharing, securing, and using digital information.

In addition to coding, the expanding field of computer science emphasizes computational thinking and interdisciplinary problem-solving to equip students with the skills and abilities necessary to apply computation in our digital world.

Computer science does not include using a computer for everyday activities, such as browsing the internet; use of tools like word processing, spreadsheets, or presentation software; or using computers in the study and exploration of unrelated subjects.

Experimental study means a study that is designed to compare outcomes between two groups of individuals (such as students) that are otherwise equivalent except for their assignment to either a treatment group receiving a project component (as defined in this notice) or a control group that does not. Randomized controlled trials, regression discontinuity design studies, and single-case design studies are the specific types of experimental studies that, depending on their design and implementation (*e.g.,* sample attrition in randomized controlled trials and regression discontinuity design studies), can meet What Works Clearinghouse (WWC) standards without reservations as described in the WWC Handbook:

(i) A randomized controlled trial employs random assignment of, for example, students, teachers, classrooms, or schools to receive the project component being evaluated (the treatment group) or not to receive the project component (the control group).

(ii) A regression discontinuity design study assigns the project component being evaluated using a measured variable (*e.g.,* assigning students reading below a cutoff score to tutoring or developmental education classes) and controls for that variable in the analysis of outcomes.

(iii) A single-case design study uses observations of a single case (*e.g.,* a student eligible for a behavioral intervention) over time in the absence and presence of a controlled treatment manipulation to determine whether the outcome is systematically related to the treatment.

Local educational agency (LEA) means:

(a) In General. A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(b) Administrative Control and Direction. The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(c) Bureau of Indian Education Schools. The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under the ESEA with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency (as defined in this notice) other than the Bureau of Indian Education.

(d) Educational Service Agencies. The term includes educational service agencies and consortia of those agencies.

(e) State Educational Agency. The term includes the State educational agency in a State in which the State educational agency is the sole educational agency for all public schools.

Moderate evidence means that there is evidence of effectiveness of a key project component in improving a relevant outcome (as defined in this notice) for a sample that overlaps with the populations or settings proposed to receive that component, based on a relevant finding from one of the following:

(i) A practice guide prepared by the WWC using version 2.1 or 3.0 of the WWC Handbook reporting a ''strong evidence base'' or ''moderate evidence base'' for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC using version 2.1 or 3.0 of the WWC Handbook reporting a ''positive effect'' or ''potentially positive effect'' on a relevant outcome based on a ''medium to large'' extent of evidence, with no reporting of a ''negative effect'' or ''potentially negative effect'' on a relevant outcome; or

(iii) A single experimental study or quasi-experimental design study (as defined in this notice) reviewed and reported by the WWC using version 2.1 or 3.0 of the WWC Handbook, or otherwise assessed by the Department using version 3.0 of the WWC Handbook, as appropriate, and that—

(A) Meets WWC standards with or without reservations;

(B) Includes at least one statistically significant and positive (*i.e.,* favorable) effect on a relevant outcome;

(C) Includes no overriding statistically significant and negative effects on relevant outcomes reported in the study or in a corresponding WWC intervention report prepared under

version 2.1 or 3.0 of the WWC Handbook; and

(D) Is based on a sample from more than one site (*e.g.,* State, county, city, school district, or postsecondary campus) and includes at least 350 students or other individuals across sites. Multiple studies of the same project component that each meet requirements in paragraphs (iii)(A), (B), and (C) of this definition may together satisfy this requirement.

National level describes the level of scope or effectiveness of a process, product, strategy, or practice that is able to be effective in a wide variety of communities, including rural and urban areas, as well as with different groups (*e.g.,* economically disadvantaged, racial and ethnic groups, migrant populations, individuals with disabilities, English learners, and individuals of each gender).

Nonprofit, as applied to an agency, organization, or institution, means that it is owned and operated by one or more corporations or associations whose net earnings do not benefit, and cannot lawfully benefit, any private shareholder or entity.

Performance measure means any quantitative indicator, statistic, or metric used to gauge program or project performance.

Performance target means a level of performance that an applicant would seek to meet during the course of a project or as a result of a project.

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.,* training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Quasi-experimental design study means a study using a design that attempts to approximate an experimental study by identifying a comparison group that is similar to the treatment group in important respects. This type of study, depending on design and implementation (*e.g.,* establishment of baseline equivalence of the groups being compared), can meet WWC standards with reservations, but cannot meet WWC standards without reservations, as described in the WWC Handbook.

Regional level describes the level of scope or effectiveness of a process, product, strategy, or practice that is able to serve a variety of communities within a State or multiple States, including rural and urban areas, as well as with different groups (*e.g.,* economically disadvantaged, racial and ethnic groups, migrant populations, individuals with disabilities, English learners, and individuals of each gender). For an LEA-based project, to be considered a regional-level project, a process, product, strategy, or practice must serve students in more than one LEA, unless the process, product, strategy, or practice is implemented in a State in which the State educational agency is the sole educational agency for all schools.

Relevant outcome means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

State educational agency (SEA) means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

Strong evidence means that there is evidence of the effectiveness of a key project component in improving a relevant outcome for a sample that overlaps with the populations and settings proposed to receive that component, based on a relevant finding from one of the following:

(i) A practice guide prepared by the WWC using version 2.1 or 3.0 of the WWC Handbook reporting a ''strong evidence base'' for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC using version 2.1 or 3.0 of the WWC Handbook reporting a ''positive effect'' on a relevant outcome based on a ''medium to large'' extent of evidence, with no reporting of a ''negative effect'' or ''potentially negative effect'' on a relevant outcome; or

(iii) A single experimental study reviewed and reported by the WWC using version 2.1 or 3.0 of the WWC Handbook, or otherwise assessed by the Department using version 3.0 of the WWC Handbook, as appropriate, and that—

(A) Meets WWC standards without reservations;

(B) Includes at least one statistically significant and positive (*i.e.,* favorable) effect on a relevant outcome;

(C) Includes no overriding statistically significant and negative effects on relevant outcomes reported in the study or in a corresponding WWC intervention report prepared under version 2.1 or 3.0 of the WWC Handbook; and

(D) Is based on a sample from more than one site (*e.g.,* State, county, city, school district, or postsecondary campus) and includes at least 350 students or other individuals across sites. Multiple studies of the same project component that each meet requirements in paragraphs (iii)(A), (B), and (C) of this definition may together satisfy this requirement.

What Works Clearinghouse Handbook (WWC Handbook) means the standards and procedures set forth in the WWC Procedures and Standards Handbook, Version 3.0 or Version 2.1 (incorporated by reference, see 34 CFR 77.2). Study findings eligible for review under WWC standards can meet WWC standards without reservations, meet WWC standards with reservations, or not meet WWC standards. WWC practice guides and intervention reports include findings from systematic reviews of evidence as described in the Handbook documentation.

Program Authority: Section 4611 of the ESEA, 20 U.S.C. 7261.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The Supplemental Priorities.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $115,000,000.

These estimated available funds are the total available for all three types of grants under the EIR program (Early-phase, Mid-phase, and Expansion grants). Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Average Size of Awards: Up to $8,000,000.

Maximum Award: We will not make an award exceeding $8,000,000 for a single project period of 60 months.

Estimated Number of Awards: 4–10.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Note: Under section 4611(c) of the ESEA, the Department must use at least 25 percent of EIR funds for a fiscal year to make awards to applicants serving rural areas, contingent on receipt of a sufficient number of applications of sufficient quality. For purposes of this competition, we will consider an applicant as rural if the applicant meets the qualifications for rural applicants as described in the eligible applicants section and the applicant certifies that it meets those qualifications through the application.

In implementing this statutory provision, the Department may fund high-quality applications from rural applicants out of rank order in the Mid-phase competition.

III. Eligibility Information

1. *Eligible Applicants:*

(a) An LEA;

(b) An SEA;

(c) The Bureau of Indian Education;

(d) A consortium of SEAs or LEAs;

(e) A nonprofit organization; and

(f) An SEA, an LEA, a consortium described in (d), or the Bureau of Indian Education, in partnership with—

(1) A nonprofit organization;

(2) A business;

(3) An educational service agency; or

(4) An institution of higher education.

To qualify as a rural applicant under the EIR program, an applicant must meet both of the following requirements:

(a) The applicant is—

(1) An LEA with an urban-centric district locale code of 32, 33, 41, 42, or 43, as determined by the Secretary;

(2) A consortium of such LEAs;

(3) An educational service agency or a nonprofit organization in partnership with such an LEA; or

(4) A grantee described in clause (1) or (2) in partnership with an SEA; and

(b) A majority of the schools to be served by the program are designated with a locale code of 32, 33, 41, 42, or 43, or a combination of such codes, as determined by the Secretary.

Applicants are encouraged to retrieve locale codes from the National Center for Education Statistics School District search tool (*https://nces.ed.gov/ccd/districtsearch/*), where districts can be looked up individually to retrieve locale codes, and Public School search tool (*https://nces.ed.gov/ccd/schoolsearch/*), where individual schools can be looked up to retrieve locale codes. More information on rural applicant eligibility is in the application package.

2. *Cost Sharing or Matching:* Under section 4611(d) of the ESEA, each grant recipient must provide, from Federal, State, local, or private sources, an amount equal to 10 percent of funds provided under the grant, which may be provided in cash or through in-kind contributions, to carry out activities supported by the grant. Grantees must include a budget showing their matching contributions to the budget amount of EIR grant funds and must provide evidence of their matching contributions for the first year of the grant in their grant applications. Section 4611(d) of the ESEA also authorizes the Secretary to waive this matching requirement on a case-by-case basis, upon a showing of exceptional circumstances, such as:

(a) The difficulty of raising matching funds for a program to serve a rural area;

(b) The difficulty of raising matching funds in areas with a concentration of LEAs or schools with a high percentage of students aged 5 through 17—

(1) Who are in poverty, as counted in the most recent census data approved by the Secretary;

(2) Who are eligible for a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 *et seq.*);

(3) Whose families receive assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*); or

(4) Who are eligible to receive medical assistance under the Medicaid program; and

(c) The difficulty of raising funds on Tribal land.

Applicants that wish to apply for a waiver must include a request in their application that describes why the matching requirement would cause serious hardship or an inability to carry out project activities. Further information about applying for waivers can be found in the application package. However, given the importance of matching funds to the long-term success of the project, the Secretary expects eligible entities to identify appropriate matching funds.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

4. *Other:* a. *Funding Categories:* An applicant will be considered for an award only for the type of EIR grant (*i.e.,* Early-phase, Mid-phase, and Expansion grant) for which it applies. An applicant may not submit an application for the same proposed project under more than one type of grant.

Note: Each application will be reviewed under the competition it was submitted under in the *Grants.gov* system, and only applications that are successfully submitted by the established deadline will be peer reviewed. Applicants should be careful that they download the intended EIR application package and that they submit their applications under the intended EIR competition.

b. *Evaluation:* The grantee must conduct an independent evaluation of the effectiveness of its project.

c. *High-need students:* The grantee must serve high-need students.

IV. Application and Submission Information

1. *Application Submission Instructions:* For information on how to submit an application please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at *www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf.*

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the Mid-phase competition, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

4. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative for a Mid-phase grant application to no more than 30 pages and (2) use the following standards:

• A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.

• Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions.

• Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

6. *Notice of Intent to Apply:* We will be able to develop a more efficient process for reviewing grant applications if we know the approximate number of applicants that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify us of the applicant's intent to submit an application by completing a web-based form. When completing this form, applicants will provide (1) the applicant organization's name and address and (2) the absolute priority the applicant intends to address. Applicants may access this form online at *www.surveymonkey.com/r/PBVB8PJ.* Applicants that do not complete this form may still submit an application.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for the Mid-phase competition are from 34 CFR 75.210. The points assigned to each criterion are indicated in the parentheses next to the criterion. An applicant may earn up to a total of 100 points based on the selection criteria for the application.

A. Significance (up to 15 Points)

In determining the significance of the project, the Secretary considers the following factors:

(1) The magnitude or severity of the problem to be addressed by the proposed project.

(2) The national significance of the proposed project.

(3) The extent to which the proposed project represents an exceptional approach to the priority or priorities established for the competition.

B. Strategy to Scale (up to 30 Points)

In determining the applicant's capacity to scale the proposed project, the Secretary considers the following factors:

(1) The extent to which the applicant demonstrates there is unmet demand for the process, product, strategy, or practice that will enable the applicant to reach the level of scale that is proposed in the application.

(2) The extent to which the applicant identifies a specific strategy or strategies that address a particular barrier or barriers that prevented the applicant, in the past, from reaching the level of scale that is proposed in the application.

(3) The feasibility of successful replication of the proposed project, if favorable results are obtained, in a variety of settings and with a variety of populations.

C. Quality of the Project Design and Management Plan (up to 35 Points)

In determining the quality of the proposed project design, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(2) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(3) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

(4) The potential and planning for the incorporation of project purposes, activities, or benefits into the ongoing work of the applicant beyond the end of the grant.

D. Quality of the Project Evaluation (up to 20 Points)

In determining the quality of the project evaluation to be conducted, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation will, if well implemented, produce evidence about the project's effectiveness that would meet the What Works Clearinghouse standards without reservations as described in the What Works Clearinghouse Handbook (as defined in this notice).

(2) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

(3) The extent to which the methods of evaluation will provide valid and reliable performance data on relevant outcomes.

(4) The extent to which the evaluation plan clearly articulates the key project components, mediators, and outcomes, as well as a measurable threshold for acceptable implementation.

Note: Applicants may wish to review the following technical assistance resources on evaluation: (1) WWC Procedures and Standards Handbooks: *https://ies.ed.gov/ncee/wwc/Handbooks;* (2) ''Technical Assistance Materials for Conducting Rigorous Impact Evaluations'': *http://ies.ed.gov/ncee/projects/evaluationTA.asp;* and (3) IES/NCEE Technical Methods papers: *http://ies.ed.gov/ncee/tech_methods/.* In addition, applicants may view an optional webinar recording that was hosted by the Institute of Education Sciences. The webinar focused on more rigorous evaluation designs, discussing strategies for designing and executing experimental studies that meet WWC evidence standards without reservations. This webinar is available at: *http://ies.ed.gov/ncee/wwc/Multimedia.aspx?sid=18.*

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

Before making awards, we will screen applications submitted in accordance with the requirements in this notice to determine whether applications have met eligibility and other requirements. This screening process may occur at various stages of the process; applicants that are determined to be ineligible will not receive a grant, regardless of peer reviewer scores or comments.

Peer reviewers will read, prepare a written evaluation of, and score the assigned applications, using the selection criteria provided in this notice. For Mid-phase grant applications we intend to conduct a single-tier review.

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department

conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $150,000), under 2 CFR 200.205(a)(2), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20(c).

Note: A specific deliverable under a Mid-phase grant that grantees must openly license to the public is the evaluation report. Additionally, EIR grantees are encouraged to submit final studies resulting from research supported in whole or in part by EIR to the Educational Resources Information Center (*http://eric.ed.gov*).

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures:* The overall purpose of the EIR program is to expand the implementation of, and investment in, innovative practices that are demonstrated to have an impact on improving student achievement and attainment for high-need students. We have established several performance measures (as defined in this notice) for the Mid-phase grants.

Annual performance measures: (1) The percentage of grantees that reach their annual target number of high-need students as specified in the application; (2) the percentage of grantees that reach their annual target number of high-need students as specified in the application; (3) the percentage of grantees with ongoing well-designed and independent evaluations that will provide evidence of their effectiveness at improving student outcomes in multiple contexts; (4) the percentage of grantees that implement an evaluation that provides information about the key practices and the approach of the project so as to facilitate replication; (5) the percentage of grantees that implement an evaluation that provides information on the cost-effectiveness of the key practices to identify potential obstacles and success factors to scaling; and (6) the cost per student served by the grant.

Cumulative performance measures: (1) The percentage of grantees that reach the targeted number of students specified in the application; (2) the percentage of grantees that reach the targeted number of high-need students specified in the application; (3) the percentage of grantees that implement a completed well-designed, well-implemented and independent evaluation that provides evidence of their effectiveness at improving student outcomes at scale; (4) the percentage of grantees with a completed well-designed, well-implemented, and independent evaluation that provides information about the key elements and the approach of the project so as to facilitate replication or testing in other settings; (5) the percentage of grantees with a completed evaluation that provided information on the cost-effectiveness of the key practices to identify potential obstacles and success factors to scaling; and (6) the cost per student served by the grant.

Project-Specific Performance Measures: Applicants must propose project-specific performance measures and performance targets (as defined in this notice) consistent with the objectives of the proposed project. Applications must provide the

following information as directed under 34 CFR 75.110(b) and (c):

(1) Performance measures. How each proposed performance measure would accurately measure the performance of the project and how the proposed performance measure would be consistent with the performance measures established for the program funding the competition.

(2) Baseline (as defined in this notice) data. (i) Why each proposed baseline is valid; or (ii) if the applicant has determined that there are no established baseline data for a particular performance measure, an explanation of why there is no established baseline and of how and when, during the project period, the applicant would establish a valid baseline for the performance measure.

(3) Performance targets. Why each proposed performance target is ambitious yet achievable compared to the baseline for the performance measure and when, during the project period, the applicant would meet the performance target(s).

(4) Data collection and reporting. (i) The data collection and reporting methods the applicant would use and why those methods are likely to yield reliable, valid, and meaningful performance data; and (ii) the applicant's capacity to collect and report reliable, valid, and meaningful performance data, as evidenced by high-quality data collection, analysis, and reporting in other projects or research.

All grantees must submit an annual performance report with information that is responsive to these performance measures.

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* Braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 16, 2018.

Margo Anderson,

Acting Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2018–08238 Filed 4–18–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0012]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Fiscal Operations Report for 2017–2018 and Application To Participate 2019–2020 (FISAP) and Reallocation Form

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 21, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0012. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–34, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Fiscal Operations Report for 2017–2018 and Application to Participate 2019–2020 (FISAP) and Reallocation Form.

OMB Control Number: 1845–0030.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 4,162.

Total Estimated Number of Annual Burden Hours: 94,916.

Abstract: The Higher Education Opportunity Act (HEOA) (Pub. L. 110–315) was enacted on August 14, 2008 and reauthorized the Higher Education Act of 1965, as amended, (HEA). It requires participating Title IV institutions to apply for funds and report expenditures for the Federal Perkins Loan (Perkins), the Federal Supplemental Educational Opportunity Grant (FSEOG) and the Federal Work-Study (FWS) Programs on an annual basis.

The data submitted electronically in the Fiscal Operations Report and Application to Participate (FISAP) is used by the Department of Education to determine the institution's funding need for the award year and monitor program effectiveness and accountability of fund expenditures. The data is used in

conjunction with institutional program reviews to assess the administrative capability and compliance of the applicant. There are no other resources for collecting this data.

The HEA requires that if an institution anticipates not using all of its allocated funds for the FWS, and FSEOG programs by the end of an award year, it must specify the anticipated remaining unused amount to the Secretary, who reduces the institution's allocation accordingly.

The changes to the Perkins Loan Program in this annual update reflect the immediate reporting needs. There will be more extensive changes to the FISAP in next year's iteration to accommodate the continuing Perkins program close out.

Dated: April 16, 2018.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–08202 Filed 4–18–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2018–ICCD–0045]

Agency Information Collection Activities; Extension Grants Funding Opportunity for FY 2011 and FY 2012 Promise Neighborhoods Implementation Grantees (84.215N)

AGENCY: Office of Innovation and Improvement (OII), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is requesting the Office of Management and Budget (OMB) to conduct an emergency review of a new information collection.

DATES: Approval by the OMB has been requested by before April 18, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0045. Written requests for information submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–44, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Karen Dorsey Hargrove, 202–453–6695.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Extension Grants Funding Opportunity for FY 2011 and FY 2012 Promise Neighborhoods Implementation Grantees (84.215N).

OMB Control Number: 1855—New.

Type of Review: A new information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 12.

Total Estimated Number of Annual Burden Hours: 391.

Abstract: The Consolidated Appropriations Act 2018 (the Appropriations Act) Public Law 115–141 provides funding extension funds for Promise Neighborhoods (PN) grants funded in fiscal year (FY) 2011 and FY 2012. The Appropriations Act states that awards would be made on a competitive basis to FY 2011 and FY 2012 PN implementation grantees that have demonstrated the ability to collect, track, and report longitudinal data on performance indicators (established by the Department and required to be reported on annually as part of the initial implementation grant); have demonstrated the most positive and promising results during their initial implementation grant based on such indicators (emphasizing getting children ready to learn); have demonstrated a commitment to operating in the most under-served and under-resourced, including rural areas; and propose continuing to pursue ambitious goals from the initial implementation during an extension of that grant.

Additional Information: An emergency clearance approval for the use of the system is described below due to the following conditions:

This is a request for emergency clearance of the funding announcement of the Promise Neighborhoods (PN) Extension Grant. The funding announcement is the instrument through which the Department will comply with the Consolidated Appropriations Act 2018 (the Appropriations Act) Public Law 115–141. The Appropriations Act directs the Department to make extension awards to fiscal year (FY) 2011 and FY 2012 Promise Neighborhoods (PN) implementation grantees. The Appropriations Act states that ''. . . no later than June 1, 2018 (emphasis added), the Secretary shall award extension grants under such section on a competitive basis to implementation grantees that have demonstrated the ability to collect, track, and report longitudinal data on performance indicators established by the Department and required to be reported on annually as part of the initial implementation grant; demonstrated the most positive and promising results during their initial implementation grant based on such indicators, emphasizing getting children ready to learn; demonstrated a commitment to operating in the most under-served and under-resourced, including rural, areas; and propose continuing to pursue ambitious goals during an extension of that grant.'' In order to comply with the Appropriations Act the Office of Innovation and Improvement will need to design a program specific instrument to conduct a competition for the PN extension funds. Pursuant to 5 CFR 1320.13, the Department requests that OMB review this information collection under its emergency procedures. This request for emergency clearance is based on missing a statutory deadline. The Appropriations Act requires that awards be made no later than June 1, 2018. The Appropriations Act became public law on March 23, 2018. There are 70 calendar days from March 23, 2018 to May 31, 2018. The June 1st date does not allow for a 30-day public comment period and 30-day OMB review period. Due to this shortened approval period we are also requesting no public comment period.

Dated: April 16, 2018.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–08209 Filed 4–18–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Appliance Standards and Rulemaking Federal Advisory Committee

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of charter renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Appliance Standards and Rulemaking Federal Advisory Committee's (ASRAC) charter is being renewed.

The Committee will provide advice and recommendations to the Secretary of Energy on matters concerning the DOE's Appliances and Commercial Equipment Standards Program's test procedures and rulemaking process.

Additionally, the renewal of the ARSAC has been determined to be essential to conduct business of the Department of Energy's and to be the in the public interest in connection with the performance of duties imposed upon the Department of Energy, by law and agreement. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, the rules and regulations in implementation of that Act.

FOR FURTHER INFORMATION CONTACT: John Cymbalsky, Designated Federal Officer at (202) 287–1692.

Issued in Washington, DC, on April 13, 2018.

Wayne D. Smith,

Committee Management Officer.

[FR Doc. 2018–08211 Filed 4–18–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 12–32–LNG]

Jordan Cove Energy Project, L.P.: Application To Amend Long-Term, Conditional Authorization To Export Liquefied Natural Gas to Non-Free Trade Agreement Nations and To Amend Application for Long-Term Authorization To Export Liquefied Natural Gas to Non-Free Trade Agreement Nations

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of amendment.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application for amendment (Amendment), filed on February 6, 2018, by Jordan Cove Energy Project, L.P. (JCEP or Jordan Cove) of both its Conditional Authorization (DOE/FE Order No. 3413) and pending Application in this proceeding.

Protests, motions to intervene, notices of intervention, and written comments addressing the Amendment are invited as described below.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, May 9, 2018.

ADDRESSES:

Electronic Filing by email: fergas@hq.doe.gov.

Regular Mail: U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375.

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Larine Moore or Amy Sweeney, U.S. Department of Energy (FE–34), Office of Regulation and International, Engagement Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9478; (202) 586–2627.

Cassandra Bernstein, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9793.

SUPPLEMENTARY INFORMATION: JCEP's Application, filed on March 23, 2012, seeks authority to export domestically produced liquefied natural gas (LNG) in a volume equivalent to 292 billion cubic feet per year (Bcf/yr) of natural gas (0.8 Bcf per day (Bcf/d)) from the proposed Jordan Cove LNG Terminal to be located on Coos Bay, Oregon, to nations with which the United States does not have a free trade agreement (FTA) requiring national treatment for trade in natural gas (non-FTA nations) (77 FR 33446). On March 24, 2014, DOE issued DOE/FE Order No. 3413, conditionally granting Jordan Cove's Application in the requested volume of 292 Bcf/yr for a term of 20 years (Conditional Non-FTA Authorization). On October 5, 2015, JCEP filed an amendment to its Application (81 FR 11202), asking DOE/FE to increase its requested non-FTA LNG export volume from the equivalent of 292 Bcf/yr to 350 Bcf/yr of natural gas (0.96 Bcf/d). At that time, JCEP did not seek to amend its Conditional Non-FTA Authorization. DOE/FE has not yet issued a final order on JCEP's Non-FTA Application, and its requested 2015 amendment remains pending as part of the Application proceeding.

In this Amendment, JCEP again seeks to increase its volume of LNG exports—to the equivalent of 395 Bcf/yr (1.08 Bcf/d) of natural gas—as approved in its Conditional Non-FTA Authorization (DOE/FE Order No. 3413) and as requested in its Non-FTA Application. JCEP states that the purpose of this Amendment is to conform its requested export volume to the proposed production capacity of the LNG Terminal in JCEP's current application at the Federal Energy Regulatory Commission (FERC). On September 21, 2017, JCEP filed an application at FERC (FERC Docket No. CP17–495–000) requesting authorization to site, construct, and operate the LNG Terminal with a proposed maximum capacity of 7.8 million metric tons per annum of LNG, equivalent to 395 Bcf/yr of natural gas. JCEP states that this FERC application reflects changes to the production capacity of its proposed facilities at the LNG Terminal, as well as additional engineering analysis. Although JCEP's application at FERC remains pending, JCEP states that it wishes to align its requested export volume with its requested facilities at FERC.

Additionally, JCEP asks that, if and when DOE/FE issues an order granting the requested Amendment to the Conditional Non-FTA Authorization,

DOE/FE also amend or ''re-set'' the dates by which JCEP must commence exports of LNG to non-FTA countries.

Additional details can be found below and in JCEP's Amendment, posted on the DOE/FE website at: *https://fossil.energy.gov/ng_regulation/sites/default/files/programs/gasregulation/authorizations/JCEP_Amendment02_6_18.pdf*.

Because the Amendment represents a substantive and material change in the Application, DOE has determined to publish this notice in the **Federal Register**, thereby providing the public with an opportunity to intervene, comment, and/or protest the Amendment. JCEP states that it has served the Amendment on each of the parties that have previously intervened in this proceeding.

Scope of Notice. The Amendment subject to this Notice pertains only to JCEP's Conditional Non-FTA Authorization and Application under section 3(a) of the Natural Gas Act (NGA), 15 U.S.C. 717b(a). In the Amendment, JCEP also seeks to amend its existing FTA authorization issued in DOE/FE Order No. 3041 in FE Docket No. 11–127–LNG (Dec. 7, 2011).[1] However, that requested FTA amendment is outside the scope of this Notice, and DOE/FE will review it separately pursuant to NGA section 3(c), 15 U.S.C. 717b(c). Additionally, in the Amendment, JCEP notifies DOE/FE of a change in corporate ownership.[2] DOE likewise will review this change in corporate ownership separately, consistent with DOE/FE's normal procedures.[3]

Request for an Amended Commencement of Export Period. Under the Conditional Non-FTA Authorization (DOE/FE Order No. 3413), JCEP currently must commence exports within seven years of the date of the order, or by March 24, 2021. JCEP states that, as detailed in the FERC application, exports from the proposed LNG Terminal are not expected to commence until the first half of 2024, which would be beyond the March 24, 2021 date. Therefore, JCEP requests that, in conjunction with the requested Amendment, DOE/FE grant JCEP a new seven-year commencement of export period from the date of any amendment to the Conditional Non-FTA Authorization.[4]

Public Interest Analysis. JCEP asserts that its proposed amendment to the Conditional Non-FTA Authorization (DOE/FE Order No. 3413) and the Application are not inconsistent with the public interest under NGA section 3(a) and should be approved.[5]

Action on Pending Amendments. DOE/FE will review and take appropriate action on any requested amendments to the Application—including the pending 2015 amendment and the Amendment at issue in this Notice—as part of its final review of JCEP's Application.

DOE/FE Evaluation

The Application will be reviewed pursuant to section 3 of the NGA, 15 U.S.C. 717b. In reviewing this Application, DOE will consider domestic need for the natural gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties that may oppose this application should comment in their responses on these issues.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Interested parties will be provided 20 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention.

Comments and protests should address JCEP's Amendment filed on February 6, 2018. The public previously was given an opportunity to intervene in, protest, and comment on JCEP's Application, as well as on JCEP's requested amendment to the Application filed in 2015 (discussed *supra*). Therefore, DOE/FE may disregard comments or protests on the Application that do not bear directly on the current Amendment—namely, JCEP's requested increase in its LNG export volume to 395 Bcf/yr of natural gas (1.08 Bcf/d), for purposes of both its Conditional Non-FTA Authorization and its pending non-FTA Application.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to *fergas@hq.doe.gov,* with FE Docket No. 12–32–LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 12–32–LNG. *Please Note*: If submitting a filing via email, please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

[1] Jordan Cove Energy Project L.P., Application to Amend Long-Term Authorizations to Export Liquefied Natural Gas to Free Trade Agreement Countries and Non-Free Trade Agreement Countries and Amendment to Application for Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Countries, FE Docket Nos. 11–127–LNG & 12–32–LNG, at 1–2 (Feb. 6, 2018) [hereinafter JCEP Amendment].

[2] *See id.* at 4–5.

[3] *See* U.S. Dep't of Energy, Procedures for Changes in Control Affecting Applications and Authorizations to Import or Export Natural Gas, 79 FR 65,541 (Nov. 5, 2014).

[4] *See* JCEP Amendment at 5.

[5] *See id.* at 7–10.

The Application is available for inspection and copying in the Office of Regulation and International Engagement docket room, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: *http://www.fe.doe.gov/programs/gasregulation/index.html.*

Issued in Washington, DC, on April 13, 2018.

Robert Smith,

Deputy Assistant Secretary for Oil and Natural Gas (Acting).

[FR Doc. 2018–08149 Filed 4–18–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–1363–000.
Applicants: Blue Canyon Windpower LLC.
Description: § 205(d) Rate Filing: Revised MBR Tariff to be effective 4/14/2018.
Filed Date: 4/13/18.
Accession Number: 20180413–5086.
Comments Due: 5 p.m. ET 5/4/18.

Docket Numbers: ER18–1364–000.
Applicants: Duke Energy Florida, LLC.
Description: § 205(d) Rate Filing: Joint OATT Real Power Loss (DEF) 2018 to be effective 5/1/2018.
Filed Date: 4/13/18.
Accession Number: 20180413–5104.
Comments Due: 5 p.m. ET 5/4/18.

Docket Numbers: ER18–1365–000.
Applicants: Blue Canyon Windpower II LLC.
Description: § 205(d) Rate Filing: Revised MBR Tariff to be effective 4/14/2018.
Filed Date: 4/13/18.
Accession Number: 20180413–5113.
Comments Due: 5 p.m. ET 5/4/18.

Docket Numbers: ER18–1366–000.
Applicants: Blue Canyon Windpower V LLC.
Description: § 205(d) Rate Filing: Revised MBR Tariff to be effective 4/14/2018.
Filed Date: 4/13/18.
Accession Number: 20180413–5117.
Comments Due: 5 p.m. ET 5/4/18.

Docket Numbers: ER18–1367–000.
Applicants: Blue Canyon Windpower VI LLC.
Description: § 205(d) Rate Filing: Revised MBR Tariff to be effective 4/14/2018.
Filed Date: 4/13/18.
Accession Number: 20180413–5127.
Comments Due: 5 p.m. ET 5/4/18.

Docket Numbers: ER18–1368–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Amended IFA Dillon I Project SA No. 521 to be effective 4/14/2018.
Filed Date: 4/13/18.
Accession Number: 20180413–5136.
Comments Due: 5 p.m. ET 5/4/18.

Docket Numbers: ER18–1369–000.
Applicants: Cloud County Wind Farm, LLC.
Description: § 205(d) Rate Filing: Revised MBR Tariff to be effective 4/14/2018.
Filed Date: 4/13/18.
Accession Number: 20180413–5137.
Comments Due: 5 p.m. ET 5/4/18.

Docket Numbers: ER18–1370–000.
Applicants: Sagebrush Power Partners, LLC.
Description: § 205(d) Rate Filing: Revised MBR Tariff to be effective 4/14/2018.
Filed Date: 4/13/18.
Accession Number: 20180413–5153.
Comments Due: 5 p.m. ET 5/4/18.

Docket Numbers: ER18–1371–000.
Applicants: Telocaset Wind Power Partners, LLC.
Description: § 205(d) Rate Filing: Revised MBR Tariff to be effective 4/14/2018.
Filed Date: 4/13/18.
Accession Number: 20180413–5164.
Comments Due: 5 p.m. ET 5/4/18.

Docket Numbers: ER18–1372–000.
Applicants: Waverly Wind Farm LLC.
Description: § 205(d) Rate Filing: Revised MBR Tariff to be effective 4/14/2018.
Filed Date: 4/13/18.
Accession Number: 20180413–5175.
Comments Due: 5 p.m. ET 5/4/18.

Docket Numbers: ER18–1373–000.
Applicants: Wheat Field Wind Power Project LLC.
Description: § 205(d) Rate Filing: Revised MBR Tariff to be effective 4/14/2018.
Filed Date: 4/13/18.
Accession Number: 20180413–5196.
Comments Due: 5 p.m. ET 5/4/18.

Docket Numbers: ER18–1374–000.
Applicants: Lost Lakes Wind Farm LLC.
Description: § 205(d) Rate Filing: Revised MBR Tariff to be effective 4/14/2018.
Filed Date: 4/13/18.
Accession Number: 20180413–5230.
Comments Due: 5 p.m. ET 5/4/18.

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 13, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–08167 Filed 4–18–18; 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: EC18–83–000.
Applicants: GenOn Holdco 10, LLC, NRG Canal LLC, Stonepeak Kestrel Holdings LLC.
Description: Joint Application under FPA Section 203 of GenOn Holdco 10, LLC, et. al.
Filed Date: 4/12/18.
Accession Number: 20180412–5227.
Comments Due: 5 p.m. ET 5/3/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–865–001.
Applicants: Power 52 Inc.
Description: Tariff Amendment: Power52 Market Based Rate Tariff to be effective 4/17/2018.
Filed Date: 4/12/18.
Accession Number: 20180412–5224.
Comments Due: 5 p.m. ET 5/3/18.

Docket Numbers: ER18–1357–000.
Applicants: Midcontinent Independent System Operator, Inc.,

Michigan Electric Transmission Company.

Description: § 205(d) Rate Filing: 2018–04–12 SA 3026 METC—City of Holland 1st Rev SIFA to be effective 5/12/2018.

Filed Date: 4/12/18.

Accession Number: 20180412–5215.

Comments Due: 5 p.m. ET 5/3/18.

Docket Numbers: ER18–1358–000.

Applicants: Avangrid Renewables, LLC.

Description: Tariff Cancellation: Notice of Termination of Wind Balancing Services Tariff to be effective 6/1/2018.

Filed Date: 4/12/18.

Accession Number: 20180412–5225.

Comments Due: 5 p.m. ET 5/3/18.

Docket Numbers: ER18–1359–000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: Amendment to Power and Water Resources Pooling Authority IA and WDT SA (SA 30) to be effective 5/1/2018.

Filed Date: 4/13/18.

Accession Number: 20180413–5000.

Comments Due: 5 p.m. ET 5/4/18.

Docket Numbers: ER18–1360–000.

Applicants: San Diego Gas & Electric Company.

Description: Request for One Time Waiver of San Diego Gas & Electric Company.

Filed Date: 4/12/18.

Accession Number: 20180412–5226.

Comments Due: 5 p.m. ET 5/3/18.

Docket Numbers: ER18–1361–000.

Applicants: Arbuckle Mountain Wind Farm LLC.

Description: § 205(d) Rate Filing: Revised MBR Tariff to be effective 4/14/2018.

Filed Date: 4/13/18.

Accession Number: 20180413–5084.

Comments Due: 5 p.m. ET 5/4/18.

Docket Numbers: ER18–1362–000.

Applicants: Arlington Wind Power Project LLC.

Description: § 205(d) Rate Filing: Revised MBR Tariff to be effective 4/14/2018.

Filed Date: 4/13/18.

Accession Number: 20180413–5085.

Comments Due: 5 p.m. ET 5/4/18.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES18–28–000.

Applicants: DTE Electric Company.

Description: Application of DTE Electric Company for Authorization to Issue Securities and Request for Exemption from Competitive Bidding Requirements.

Filed Date: 4/13/18.

Accession Number: 20180413–5109.

Comments Due: 5 p.m. ET 5/4/18.

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 13, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–08168 Filed 4–18–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Staff Attendance at The Southwest Power Pool, Inc. Regional Entity Trustee, Regional State Committee, Members Committee, and Board of Directors Meetings

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of its staff may attend the meetings of the Southwest Power Pool, Inc. Regional State Committee (RSC), Regional Entity Trustee (RET), Members Committee, and Board of Directors, as noted below. Their attendance is part of the Commission's ongoing outreach efforts.

The meetings will be held at the InterContinental at the Plaza, 401 Ward Parkway, Kansas City, MO 64112. The phone number is (816) 756–1500. All meetings are Central Time.

SPP RET—April 23, 2018 (8:00 a.m.—5:00 p.m.).

SPP RSC—April 23, 2018 (1:00 p.m.—5:00 p.m.).

SPP Members/Board of Directors—April 24, 2018 (8:00 a.m.—3:00 p.m.).

The discussions may address matters at issue in the following proceedings:

Docket No. ER12–1179, *Southwest Power Pool, Inc.*

Docket No. ER14–2850, *Southwest Power Pool, Inc.*

Docket No. ER14–2851, *Southwest Power Pool, Inc.*

Docket No. ER15–2028, *Southwest Power Pool, Inc.*

Docket No. ER15–2115, *Southwest Power Pool, Inc.*

Docket No. ER15–2237, *Kanstar Transmission, LLC*

Docket No. ER15–2594, *South Central MCN LLC*

Docket No. EL16–91, *Southwest Power Pool, Inc.*

Docket No. EL16–108, *Tilton Energy* v. *Midcontinent Independent System Operator, Inc.*

Docket No. EL16–110, *Southwest Power Pool, Inc.*

Docket No. ER16–204, *Southwest Power Pool, Inc.*

Docket No. ER16–2522, *Southwest Power Pool, Inc.*

Docket No. ER16–2523, *Southwest Power Pool, Inc.*

Docket No. EL17–11, *Alabama Power Co.* v. *Southwest Power Pool, Inc.*

Docket No. EL17–21, *Kansas Electric Co.* v. *Southwest Power Pool, Inc.*

Docket No. EL17–69, *Buffalo Dunes et al.* v. *Southwest Power Pool, Inc.*

Docket No. EL17–89, *American Electric Power Service Corporation* v. *Midcontinent Independent System Operator, Inc., et al.*

Docket No. ER17–426, *Southwest Power Pool, Inc.*

Docket No. ER17–428, *Southwest Power Pool, Inc.*

Docket No. ER17–469, *Southwest Power Pool, Inc.*

Docket No. ER17–772, *Southwest Power Pool, Inc.*

Docket No. ER17–953, *South Central MCN LLC*

Docket No. ER17–1092, *Southwest Power Pool, Inc.*

Docket No. ER17–1575, *Southwest Power Pool, Inc.*

Docket No. ER17–1610, *Southwest Power Pool, Inc.*

Docket No. ER17–2229, *Southwest Power Pool, Inc.*

Docket No. EL18–9, *Xcel Energy Services, Inc.* v. *Southwest Power Pool, Inc.*

Docket No. EL18–12, *ATX Southwest, LLC*

Docket No. EL18–13, *Transource Kansas, LLC*

Docket No. EL18–14, *Midwest Power Transmission Arkansas, LLC*

Docket No. EL18–15, *Kanstar Transmission, LLC*

Docket No. EL18–16, *South Central MCN, LLC*

Docket No. EL18–19, *Southwest Power Pool, Inc.*

Docket No. EL18–20, *Indicated SPP Transmission Owners* v. *Southwest Power Pool, Inc.*

Docket No. EL18–26, *EDF Renewable Energy, Inc.* v. *Midcontinent Independent System Operator, Inc., Southwest Power Pool, Inc., and PJM Interconnection, L.L.C.*
Docket No. EL18–35, *Southwest Power Pool, Inc.*
Docket No. EL18–58, *Oklahoma Municipal Power Authority* v. *Oklahoma Gas and Electric Co.*
Docket No. ER18–99, *Southwest Power Pool, Inc.*
Docket No. ER18–171, *Southwest Power Pool, Inc.*
Docket No. ER18–194, *Southwest Power Pool, Inc.*
Docket No. ER18–195, *Southwest Power Pool, Inc.*
Docket No. ER18–374, *Southwest Power Pool, Inc.*
Docket No. ER18–499, *Southwestern Electric Power Company*
Docket No. ER18–500, *Southwestern Electric Power Company*
Docket No. ER18–564, *South Central MCN LLC*
Docket No. ER18–572, *South Central MCN LLC*
Docket No. ER18–591, *Southwest Power Pool, Inc.*
Docket No. ER18–660, *Southwest Power Pool, Inc.*
Docket No. ER18–727, *Southwest Power Pool, Inc.*
Docket No. ER18–736, *Southwest Power Pool, Inc.*
Docket No. ER18–748, *Southwest Power Pool, Inc.*
Docket No. ER18–753, *Southwest Power Pool, Inc.*
Docket No. ER18–754, *Southwest Power Pool, Inc.*
Docket No. ER18–757, *Southwest Power Pool, Inc.*
Docket No. ER18–762, *Southwest Power Pool, Inc.*
Docket No. ER18–763, *Southwest Power Pool, Inc.*
Docket No. ER18–769, *Southwest Power Pool, Inc.*
Docket No. ER18–770, *Southwest Power Pool, Inc.*
Docket No. ER18–792, *Southwest Power Pool, Inc.*
Docket No. ER18–801, *Southwest Power Pool, Inc.*
Docket No. ER18–819, *Kansas City Power & Light Co.*
Docket No. ER18–822, *Kansas City Power & Light Co.*
Docket No. ER18–824, *Kansas City Power & Light Co.*
Docket No. ER18–825, *Kansas City Power & Light Co.*
Docket No. ER18–831, *Southwest Power Pool, Inc.*
Docket No. ER18–840, *Xcel Energy Services, Inc.*
Docket No. ER18–854, *Southwest Power Pool, Inc.*
Docket No. ER18–875, *Southwest Power Pool, Inc.*
Docket No. ER18–876, *Southwest Power Pool, Inc.*
Docket No. ER18–878, *Southwest Power Pool, Inc.*
Docket No. ER18–895, *Southwest Power Pool, Inc.*
Docket No. ER18–939, *Southwest Power Pool, Inc.*
Docket No. ER18–985, *Southwest Power Pool, Inc.*
Docket No. ER18–995, *Southwest Power Pool, Inc.*
Docket No. ER18–1013, *Southwest Power Pool, Inc.*
Docket No. ER18–1078, *Southwest Power Pool, Inc.*
Docket No. ER18–1091, *Southwest Power Pool, Inc.*
Docket No. ER18–1093, *Southwest Power Pool, Inc.*
Docket No. ER18–1110, *Southwest Power Pool, Inc.*
Docket No. ER18–1195, *Southwest Power Pool, Inc.*
Docket No. ER18–1198, *Southwest Power Pool, Inc.*
Docket No. ER18–1209, *Southwestern Electric Power Company*
Docket No. ER18–1210, *Southwestern Electric Power Company*
Docket No. ER18–1212, *Southwest Power Pool, Inc.*
Docket No. ER18–1227, *Southwestern Public Service Co.*
Docket No. ER18–1234, *Southwest Power Pool, Inc.*
Docket No. ER18–1251, *Kansas City Power and Light Company*
Docket No. ER18–1267, *South Central MCN LLC*
Docket No. ER18–1268, *Southwest Power Pool, Inc.*
Docket No. ER18–1299, *Westar Energy, Inc.*
Docket No. ER18–1309, *Southwest Power Pool, Inc.*
Docket No. ER18–1315, *Southwest Power Pool, Inc.*
Docket No. ER18–1323, *Southwest Power Pool, Inc.*
Docket No. ER18–1326, *Southwest Power Pool, Inc.*
Docket No. RR18–3, *North American Electric Reliability Corp.*
Docket No. TX18–1, *AEP Energy Partners, Inc.*

This meeting is open to the public.

For more information, contact Patrick Clarey, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov.*

Dated: April 13, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–08169 Filed 4–18–18; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:17 a.m. on Tuesday, April 17, 2018, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters related to the Corporation's supervision, corporate, and resolution activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Thomas M. Hoenig, seconded by Director Joseph M. Otting (Comptroller of the Currency), and concurred in by Director Mick Mulvaney (Acting Director, Consumer Financial Protection Bureau), and Chairman Martin J. Gruenberg, that Corporation business required its consideration of the matters which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10).

Dated: April 17, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–08293 Filed 4–17–18; 4:15 pm]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate Receiverships

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for the institutions listed below, intends to terminate its receivership for said institutions.

Fund	Receivership name	City	State	Date of appointment of receiver
10225	BC National Banks	Butler	MO	4/30/2010
10285	Sonoma Valley Bank	Sonoma	CA	8/20/2010

The liquidation of the assets for each receivership has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receiverships will serve no useful purpose. Consequently, notice is given that the receiverships shall be terminated, to be effective no sooner than thirty days after the date of this notice. If any person wishes to comment concerning the termination of any of the receiverships, such comment must be made in writing, identify the receivership to which the comment pertains, and be sent within thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of the above-mentioned receiverships will be considered which are not sent within this time frame.

Dated at Washington, DC, on April 16, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–08213 Filed 4–18–18; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Tuesday, April 24, 2018 at 10:00 a.m.

PLACE: 1050 First Street NE, Washington, DC.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance matters pursuant to 52 U.S.C. 30109.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

* * * * *

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Laura E. Sinram,

Deputy Secretary of the Commission.

[FR Doc. 2018–08308 Filed 4–17–18; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov*.

Agreement No.: 201143–017.

Title: West Coast MTO Agreement.

Parties: APM Terminals Pacific, Ltd.; Eagle Marine Services, Ltd.; Everport Terminal Services, Inc; International Transportation Service, Inc.; LBCT LLC d/b/a Long Beach Container Terminal LLC; Trapac, Inc.; Yusen Terminals LLC; Total Terminals LLC; West Basin Container Terminal LLC; Pacific Maritime Services, L.L.C.; SSAT (Pier A), LLC; and SSA Terminals, LLC.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1200 19th Street NW, Washington, DC 20036.

Synopsis: The amendment reflects changes being made to the current OffPeak Program offered by the West Coast MTO Agreement.

Agreement No.: 201246.

Title: HLAG/SreamLines Slot Charter Agreement.

Parties: Hapag-Lloyd AG and StreamLines N.V.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1200 Nineteenth St. NW, Washington, DC 200036.

Synopsis: The agreement authorizes HLAG to charter space to StreamLines in the trades between the U.S. Atlantic Coast on the one hand and the United Kingdom, Germany, Belgium, the Netherlands, and France on the other hand.

Agreement No.: 201247.

Title: NMCC/Kyowa Space Charter Agreement.

Parties: Nissan Motor Car Carrier Co., Ltd. and Kyowa Shipping Co., Ltd.

Filing Party: Eric C. Jeffrey, Esq.; Nixon Peabody; 401 9th Street NW, Suite 900, Washington, DC 20004.

Synopsis: The agreement authorizes NMCC to charter space to Kyowa on an as needed, as available basis for the carriage of vehicles and other Ro-Ro cargo in the trade from the United States Pacific Coast (including Guam) to Japan.

Dated: April 16, 2018.

Rachel Dickon,

Secretary.

[FR Doc. 2018–08187 Filed 4–18–18; 8:45 am]

BILLING CODE 6731–AA–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 May 9, 2018.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Julie J. Kaufmann, Harlan, Iowa, individually and as a group acting in concert with Joyce Buxton, Springfield, Missouri; Philip Buxton, Springfield, Missouri; Audrey Buxton, San Diego, California; Julie J. Kaufmann, Harlan, Iowa; Leo P. Kaufmann, Harlan, Iowa; Kayla Weis, Harlan, Iowa; Mary Hoch, Harlan, Iowa; Michael Kaufmann, Oak Park, Illinois; Randall Kaufmann,*

Lenexa, Kansas; James R. Randall and Linda Randall, jointly with rights of survivorship, Osceola, Iowa; James Michael Randall, Stilwell, Kansas; Jennifer J. Main, N. Charleston, South Carolina; Jay T. Randall, Dunlap, Iowa; Lynn J. Randall, Dunlap, Iowa; and the Estate of Richard Randall, Dunlap, Iowa; to retain shares of Dunlap Holding company and thereby retain shares of Community Bank, both of Dunlap, Iowa.

Board of Governors of the Federal Reserve System, April 16, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–08226 Filed 4–18–18; 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 14, 2018.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Overton Financial Corporation, Overton, Texas, and Overton Delaware Corporation, Overton, Texas;* to acquire up to 37.8 percent of the voting shares of Longview Financial Corporation, Longview, Texas, and indirectly acquire shares of Texas Bank and Trust Company, Longview, Texas.

Board of Governors of the Federal Reserve System, April 13, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–08142 Filed 4–18–18; 8:45 am]

BILLING CODE 6210–01–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 18, 2018.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Plains Bancshares, Inc., Plains, Kansas;* to merge with Sixth Bancshares, Inc., Salina, Kansas, and thereby indirectly acquire Bank VI, Salina, Kansas.

Board of Governors of the Federal Reserve System, April 16, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–08227 Filed 4–18–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–18–0978]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Emerging Infections Program (EIP) to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on December 21, 2017 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and

instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Emerging Infections Program (OMB Control Number 0920–0978 Expiration Date 2/28/2019)—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Emerging Infections Programs (EIPs) are population-based centers of excellence established through a network of state health departments collaborating with academic institutions; local health departments; public health and clinical laboratories; infection control professionals; and healthcare providers. EIPs assist in local, state, and national efforts to prevent, control, and monitor the public health impact of infectious diseases.

CDC seeks a three-year OMB approval for this revised information collection project request.

Activities of the EIPs fall into the following general categories: (1) Active surveillance; (2) applied public health epidemiologic and laboratory activities; (3) implementation and evaluation of pilot prevention/intervention projects; and (4) flexible response to public health emergencies. Activities of the EIPs are designed to: (1) Address issues that the EIP network is particularly suited to investigate; (2) maintain sufficient flexibility for emergency response and new problems as they arise; (3) develop and evaluate public health interventions to inform public health policy and treatment guidelines; (4) incorporate training as a key function; and (5) prioritize projects that lead directly to the prevention of disease.

The total estimated time burden for the revised collection project is 40,347 hours, an increase of 18,257 hours. The majority of the collection activities remain the same, however, there are multiple proposed revisions including form consolidation, minor revised language and rewording to improve clarity and readability of the data collection forms and the discontinuation of the previously approved Legionellosis Expanded Case Report Form.

CDC seeks to request the use of five new forms: ABCs Severe GAS Infection Supplemental Form; HAIC Multi-site Gram-Negative Bacilli Case Report Form for Carbapenem-resistant Pseudomonas aeruginosa (CR–PA); HAIC Multi-site Gram-Negative Surveillance Initiative—Extended-Spectrum Beta-Lactamase-Producing Enterobacteriaceae (MuGSI–ESBL); HAIC Invasive Methicillin-sensitive Staphylococcus aureus (MSSA); and HAIC Candidemia Case Report Form. These forms will allow the EIP to better detect, identify, and monitor emerging pathogens.

This revision package will enhance the previous submission by improving surveillance through new forms, form consolidation, minor revised language to improve clarity, and the discontinuation of specific previously approved forms. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
State Health Department	ABCs Case Report Form	10	809	20/60
	ABCs Invasive Pneumococcal Disease in Children Case Report Form.	10	22	10/60
	ABCs Surveillance for Non-Invasive Pneumococcal Pneumonia (SNiPP) Case Report Form.	10	125	10/60
	ABCs H.influenzae Neonatal Sepsis Expanded Surveillance Form.	10	6	10/60
	ABCs Severe GAS Infection Supplemental Form—NEW FORM.	10	136	20/60
	ABCs Neonatal Infection Expanded Tracking Form.	10	37	20/60
	FoodNet Campylobacter	10	850	21/60
	FoodNet Cryptosporidium	10	130	10/60
	FoodNet Cyclospora	10	3	10/60
	FoodNet Listeria monocytogenes	10	13	20/60
	FoodNet Salmonella	10	827	21/60
	FoodNet Shiga toxin producing E. coli	10	190	20/60
	FoodNet Shigella	10	290	10/60
	FoodNet Vibrio	10	25	10/60
	FoodNet Yersinia	10	30	10/60
	FoodNet Hemolytic Uremic Syndrome	10	10	1
	Influenza Hospitalization Surveillance Network Case Report Form.	10	1000	25/60
	Influenza Hospitalization Surveillance Project Vaccination Phone Script Consent Form (English).	10	333	5/60
	Influenza Hospitalization Surveillance Project Vaccination Phone Script Consent Form (Spanish).	10	333	5/60
	Influenza Hospitalization Surveillance Project Provider Vaccination History Fax Form (Children/Adults).	10	333	5/60
	HAIC CDI Case Report Form	10	1650	30/60

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
	HAIC Multi-site Gram-Negative Bacilli Case Report Form (MuGSI–CRE/CRAB).	10	500	20/60
	HAIC Multi-site Gram-Negative Bacilli Case Report Form for Carbapenem-resistant Pseudomonas aeruginosa(CR–PA)—NEW FORM.	10	344	45/60
	HAIC Multi-site Gram-Negative Surveillance Initiative—Extended-Spectrum Beta-Lactamase-Producing Enterobacteriaceae (MuGSI–ESBL)—NEW FORM.	10	1200	20/60
	HAIC Invasive Methicillin-resistant Staphylococcus aureus (MRSA).	10	609	20/60
	HAIC Invasive Methicillin-sensitive Staphylococcus aureus (MSSA)—NEW FORM.	10	1,035	20/60
	HAIC Candidemia Case Report Form—NEW FORM.	9	800	20/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–08166 Filed 4–18–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–18–17BAW]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled the Paul Coverdell National Acute Stroke Program (PCNASP) 2015–2020 Assessment to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on October 10, 2017 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Paul Coverdell National Acute Stroke Program (2015–2020) Assessment—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), Division for Heart Disease and Stroke Prevention (DHDSP), requests OMB approval for a new collection.

The CDC is the primary Federal agency for protecting health and promoting quality of life through the prevention and control of disease, injury, and disability. CDC is committed to programs that reduce the health and economic consequences of the leading causes of death and disability, thereby ensuring a long, productive, healthy life for all people.

Stroke remains a leading cause of serious, long-term disability and is the fifth leading cause of death in the United States after heart disease, cancer, chronic lower respiratory diseases, and accidents. Estimates indicate that approximately 795,000 people suffer a first-ever or recurrent stroke each year with more than 130,000 deaths annually. Although there have been significant advances in preventing and treating stroke, the rising prevalence of heart disease, diabetes, and obesity has increased the relative risk for stroke, especially in African American populations. Moreover, stroke's lifetime direct cost of health care and indirect cost of lost productivity is staggering and imposes a substantial societal economic burden. Coverdell-funded state programs are in the forefront of developing and implementing system-change efforts to improve emergency response systems, enhance the quality of care for stroke, and improve transitions across stroke systems of care, including pre-event; transitions from EMS to acute care in hospitals; and transitions from hospitals to home,

rehabilitation, stroke specialist care, and primary care providers.

When Congress directed the CDC to establish the Paul Coverdell National Acute Stroke Program (PCNASP) in 2001, CDC intended to monitor trends in stroke and stroke care, with the ultimate mission of improving the quality of care for stroke patients in the United States. Since 2015, CDC has funded and provided technical assistance to nine state health departments to develop comprehensive stroke systems of care. A comprehensive system of care improves quality of care by creating seamless transitions for individuals experiencing stroke. In such a system, pre-hospital providers, in-hospital providers, and early post-hospital providers coordinate patient hand-offs and ensure continuity of care. CDC contracted with RTI International to conduct an assessment of the state health departments awarded grants in 2015 to assess their implementation in their state-based contexts and progress toward short- and intermediate-term outcomes.

CDC and RTI International propose to collect information from all nine funded PCNASP grantees to gain insight into the effectiveness of implementation of their quality improvement strategies, development (and use) of a data integrated management system, and partner collaboration in building comprehensive state-wide stroke systems of care. The information collection will focus on describing PCNASP specific contributions to effective state-based stroke systems of care and the costs associated with this work. Two components of the information collection include: (1) Program implementation cost data collection from program partners using a cost and resource utilization tool; and (2) telephone interviews with key program stakeholders, such as the PCNASP principal investigator, program manager, quality improvement specialist, data analyst/program evaluator, and partner support staff. Cost data collection will focus on a stratified sample of partners' cumulative spending to support PCNASP activities, spending by reporting period, and spending associated with specific PCNASP strategies related to building comprehensive state-wide stroke systems of care. Interview questions will target how each grantee implemented its strategies, challenges encountered and how they were overcome, factors that facilitated implementation, lessons learned along the way, and observed outcomes and improvements. The information to be collected does not currently exist for large scale, statewide programs that employ multiple combinations of strategies led by state public health departments to build comprehensive stroke systems of care. The insights to be gained from this data collection will be critical to improving immediate efforts and achieving the goals of spreading and replicating state-level strategies that are proven programmatically and are cost-effective in contributing to a higher quality of care for stroke patients.

The total estimated annual burden hours are 328. There are no costs to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Partner Program Manager	Cost Resource and Utilization Tool	137	1	2
Principal Investigator	Telephonic Interviews	3	1	1
Grantee Program Manager	Telephonic Interviews	3	1	1
Quality Improvement Specialist	Telephonic Interviews	3	1	1
Data Analyst/Program Evaluator	Telephonic Interviews	3	1	1
Partner Support Staff	Telephonic Interviews	6	1	1

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–08165 Filed 4–18–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-18–18XG; Docket No. CDC–2018–0034]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''Evaluation of the third decade of the National Occupational Research Agenda (NORA) Council Effectiveness''. This is a survey to collect information from NORA council members and leaders about council activities and satisfaction with council functioning.

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

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0034 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all Federal comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton

Road, NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Evaluation of the third decade of the National Occupational Research Agenda (NORA) Council Effectiveness—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Institute for Occupational Safety and Health (NIOSH) is responsible for conducting research and making recommendations to prevent worker injury and illness, as authorized in Section 20(a)(1) of the Occupational Safety and Health Act (29 U.S.C. 669). In 1995–1996, NIOSH saw an opportunity to enhance its ability to accomplish its mission through partnerships that involved a broad national stakeholder base in occupational safety and health. With stakeholder input, NIOSH developed and launched a partnership program titled the National Occupational Research Agenda (NORA) in 1996. Participation in NORA includes stakeholders from universities, large and small businesses, professional societies, government agencies, and worker organizations. NORA runs in ten year cycles, with the first decade running 1996–2006, the second 2006–2016, and the third 2016–2026.

The structure of NORA has evolved over time, and now, in the third decade, it is organized into ten industry sectors based on major areas of the U.S. economy, and seven health and safety cross-sectors organized according to the major health and safety issues affecting the U.S. working population. The work of the sectors and cross-sectors is managed through a partnership structure of councils. Each of the 17 councils develops and maintains an agenda for the decade for its sector. The sector agendas become part of the national agenda for improvements in occupational safety and health through research and partnerships. Representing all stakeholders, the councils use an open process to set research objectives, share information, encourage partnerships, and promote improved workplace practices.

NIOSH seeks to request a 12-month Office of Management and Budget (OMB) approval to administer a survey to NORA council members and leaders. As the steward of NORA, it is NIOSH's responsibility to ensure that councils, which are central to the work of NORA, are operating well. Without this data collection, NIOSH's internal review of NORA would lack critical stakeholder input from its many non-Federal partners.

The target population is all current and former members and leaders of each of the 17 NORA councils in the third decade of NORA. The web-based survey requests information on council activities, the effectiveness of the council and its processes, and suggestions for improving the effectiveness and impact of NORA councils in the future. Without this data collection, NIOSH's internal management review of NORA would lack critical stakeholder input from its many non-Federal partners.

NIOSH has developed a 17-item survey and will send to approximately 425 non-Federal NORA Sector council members or leaders. NIOSH estimates that it will take 12 minutes to complete the survey.

There are no costs to respondents other than their time. The total estimated time burden is 85 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Non-federal NORA Council members or leaders.	Council Survey	425	1	12/60	85
Total					85

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–08147 Filed 4–18–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–18–0278]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled National Hospital Ambulatory Medical Care Survey (NHAMCS) to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on November 27, 2017 to obtain comments from the public and affected agencies. CDC received one comment related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

National Hospital Ambulatory Medical Care Survey (NHAMCS) (OMB Control Number 0920–0278, Expiration 02/28/2018)—Reinstatement with change—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall collect statistics on ''utilization of health care'' in the United States. The National Hospital Ambulatory Medical Care Survey (NHAMCS) has conducted annually since 1992. NCHS is seeking OMB approval to reinstate this survey for an additional three years, following a brief discontinuation on February 28, 2018.

The target universe of the NHAMCS is in-person visits made to emergency departments (EDs) of non-Federal, short-stay hospitals (hospitals with an average length of stay of less than 30 days) that have at least six beds for inpatient use, and with a specialty of general and medical, maternity, children's general, or long term acute care.

NHAMCS was initiated to complement the National Ambulatory Medical Care Survey (NAMCS, OMB Control Number 0920–0234, Expiration 03/31/2019), which provides similar data concerning patient visits to physicians' offices. NAMCS and NHAMCS are the principal sources of data on ambulatory care provided in the United States.

NHAMCS provides a range of baseline data on the characteristics of the users and providers of hospital ambulatory medical care. Data collected include patients' demographic characteristics, reason(s) for visit, providers' diagnoses, diagnostic services, medications, and disposition. These data, together with trend data, may be used to monitor the effects of change in the health care system, for the planning of health services, improving medical education, determining health care work force needs, and assessing the health status of the population.

Starting 2018, CDC will implement just the ED component of NHAMCS. However, once reinstated the 2017 survey will run concurrently with the 2018 survey until the final months of pending 2017 data collection have been completed. This is typical with any data collection cycle: It begins in the last month of the preceding year and ends around the middle of the following year. For the 2017 data collection, CDC will collect information on all three settings (ED, OPD, and ASL). For this three-year request, CDC does not expect substantive changes or supplements for the survey.

Users of NHAMCS data include, but are not limited to, congressional offices, Federal agencies, state and local governments, schools of public health, colleges and Universities, private industry, nonprofit foundations, professional associations, clinicians, researchers, administrators, and health planners.

There are no costs to the respondents other than their time. The total estimated annualized burden hours are 1,251.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Hospital Chief Executive Officer	Hospital Induction 2017 Data Collection	20	1	75/60
Hospital Chief Executive Officer	Hospital Induction 2018+ Data Collection	340	1	45/60
Ancillary Service Executive	Ambulatory Unit Induction (ED, OPD and ASL).	840	1	15/60
Ancillary Service Executive	Ambulatory Unit Induction (ED only)	578	1	15/60

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Medical Record Clerk	Retrieving Patient Records (2017 and 2018+ ED, OPD and ASL).	360	102	1/60
Ancillary Service Executive—Reabstraction	2018+ Reabstraction Telephone Call (1)ED only.	17	1	5/60
Medical Record Clerk—Reabstraction	2018+ Pulling and re-filing Patient Records (1)ED only.	17	10	1/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–08164 Filed 4–18–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–18–0900]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Contact Investigation Outcome Reporting Forms to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on October 13, 2017 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Contact Investigation Outcome Reporting Forms (OMB Control Number 0920–0900, expiration date 06/30/2018)—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC's Division of Global Migration and Quarantine has a regulatory and public health mission to prevent the importation and spread of communicable disease into and within the United States. CDC works towards fulfilling this mission through a number of activities carried out at Quarantine Stations strategically placed at 20 U.S. ports of entry as well as coordinating activities at CDC headquarters in Atlanta, Georgia. A key portion of this mission is responding to reports of illness or death on air and maritime conveyances and investigating any potential exposures to determine if public health follow up is needed.

CDC proposes to continue collecting passenger-level, epidemiologic, demographic, and health status data from state/local Health Departments and maritime operators at the conclusion of contact investigations of individuals believed to have been exposed to a communicable disease during travel. Health departments or maritime operators will obtain the information for CDC while conducting contact investigations according to their established policies and procedures.

The current information collection request includes forms that are specific to investigations about Tuberculosis (TB), Measles, and Rubella. The request also includes a General form for other diseases of public health concern. In 2011, OMB initially approved the forms to facilitate the collection and reporting of pertinent information. Prior to 2011, there were no standardized tools for health departments and maritime operators to report the outcomes of state or vessel contact investigations to CDC.

The collected information will assist CDC in fulfilling its regulatory responsibility to prevent the importation of communicable diseases from foreign countries (42 CFR part 71) and interstate control of communicable diseases in humans (42 CFR part 70). This information collection is also a critical piece of the standard operating procedures carried out by the 20 Quarantine Stations placed at key ports of entry around the United States. The purpose of all forms is the same: to facilitate the collection of information by public health partners to help CDC quarantine officials fully understand the extent of disease spread and transmission during travel and to inform the development and or refinement of investigative protocols aimed at reducing the spread of communicable disease.

The respondents, state and local health departments and maritime conveyance operators (*e.g.,* Cruise Ship Medical Staff/Cargo Ship Managers), may use the standardized forms to submit data voluntarily to CDC via a

secure means of their choice (*e.g.,* web-based application, fax or email).

As part of this revision, CDC requests approval for a number of changes and adjustments:

- CDC is discontinuing all Ebola related forms;
- CDC is discontinuing all current maritime-related forms except a condensed maritime TB contact investigation follow-up form in an Excel format;
- CDC is requesting a downward revision of the estimated number of TB contact investigation forms used annually, but an upward revision of the amount of time requested from each respondent;
- CDC is requesting addition of varicella and influenza like illness outbreak contact investigation follow up forms;
- no changes are requested of the Air or Land associated forms; however adjustments in burden are requested.

The proposed changes will result in a decrease of 673 burden hours (from 782 burden hours to 109 hours).

There is no cost to respondents other than their time to complete the form and submit the data to CDC.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Cruise Ship Physicians/Cargo Ship Managers	Clinically Active TB Contact Investigation Outcome Reporting Form—Maritime.	15	1	20/60
Cruise Ship Physicians/Cargo Ship Managers	Varicella Investigation Outcome Reporting Form.	29	1	20/60
Cruise Ship Physicians/Cargo Ship Managers	Influenza Like Illness Investigation Outcome Reporting Form.	45	1	20/60
State/Local public health staff	General Contact Investigation Outcome Reporting Form—Air.	34	1	5/60
State/Local public health staff	TB Contact Investigation Outcome Reporting Form—Air.	547	1	5/60
State/Local public health staff	Measles Contact Investigation Outcome Reporting Form—Air.	324	1	5/60
State/Local public health staff	Rubella Contact Investigation Outcome Reporting Form—Air.	27	1	5/60
State/Local public health staff	General Contact Investigation Outcome Reporting Form—Land.	15	1	5/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–08163 Filed 4–18–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: TANF Office Culture Study.

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) is proposing data collection activities as part of a project to identify and describe exemplars of TANF organizational culture as well as successful strategies human services offices have undertaken to improve their organizational culture. This qualitative study intends to use this information to increase understanding of how various agencies' organizational cultures influence TANF clients' experiences, service delivery, and frontline workers.

The information collection activities to be submitted in the package include:

(1) Leadership and supervisor interviews will collect information on program structure and staffing, client experiences, agency goals and performance management, organizational learning and innovation, cultural congruence across service providers, and the perception of the organizational culture change, if applicable.

(2) Frontline workers' interviews will collect information about frontline staffs' role in service delivery, client experiences, peer interaction and social institutions within the agency, agency goals, organizational learning and innovation, and the perception of the organizational culture change initiative, if applicable.

(3) The focus groups will collect information about program participants' perceptions of agency processes, their communication with agency staff, and their assessment of the agency's organizational culture.

Respondents: Individuals receiving TANF and related services, TANF directors, and managers and staff at local TANF offices.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Leadership and Supervisor Interview Guide	24	8	1	1.5	12
Frontline Staff Interview Guide	12	4	1	1	4
Focus Group Guide	54	18	1	1.5	27

Estimated Total Annual Burden Hours: 43.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, *Email: OIRA_SUBMISSION@OMB.EOP.GOV*, *Attn:* Desk Officer for the Administration for Children and Families.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2018–08233 Filed 4–18–18; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–1098]

Metered Dose Inhaler and Dry Powder Inhaler Drug Products—Quality Considerations; 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 ''Metered Dose Inhaler (MDI) and Dry Powder Inhaler (DPI) Drug Products—Quality Considerations.'' The purpose of this guidance is to provide recommendations to industry on the development and manufacture of inhalation aerosols (also known as metered dose inhalers, or MDIs) and inhalation powders (also known as dry powder inhalers, or DPIs). Although not explicitly discussed, some of the principles and recommendations provided in this guidance may be applicable to nasal delivery products, as well. The recommendations in this guidance can apply to MDI and DPI products intended for local or systemic effect.

DATES: Submit either electronic or written comments on the draft guidance by June 18, 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–1098 for ''Metered Dose Inhaler (MDI) and Dry Powder Inhaler (DPI) Drug Products—Quality Considerations.'' 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: Richard Lostritto, Center for Drug

Evaluation and Research, (HFD–860), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 4132, Silver Spring, MD 20993, 301–796–1697.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Metered Dose Inhaler (MDI) and Dry Powder Inhaler (DPI) Drug Products—Quality Considerations.'' This guidance describes points to consider to help ensure product quality and performance for MDIs and DPIs. It describes chemistry, manufacturing, and controls information recommended for inclusion in new drug applications (NDAs) and abbreviated new drug applications (ANDAs); however, the principles are applicable to products used during clinical trials and over the product lifecycle, as well. It also provides recommendations on certain aspects of labeling for NDA and ANDA MDI and DPI products. FDA previously published a draft guidance on this topic on November 13, 1998. The present guidance is a revision of the previous draft, updated to reflect current standards and requirements to enhance understanding of development approaches for these products consistent with the quality by design paradigm.

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 ''Metered Dose Inhaler (MDI) and Dry Powder Inhaler (DPI) Drug Products—Quality Considerations.'' 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. Paperwork Reduction Act of 1995

This guidance includes information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information referenced in this guidance that are related to the burden for the submission of investigational new drug applications are covered under 21 CFR part 312 and have been approved under OMB control number 0910–0014. The collections of information referenced in this guidance that are related to the burden for the submission of new drug applications that are covered under 21 CFR part 314 have been approved under OMB control number 0910–0001. The submission of prescription drug product labeling under 21 CFR 201.56 and 201.57 is approved under OMB control number 0910–0572.

The guidance also discusses labeling for MDI and DPI drug products, and references 21 CFR part 201. In the **Federal Register** of December 18, 2014 (79 FR 75506), FDA published its proposed rule on the electronic distribution of prescribing information for human prescription drugs, including biological products. In Section VII, ''Paperwork Reduction Act of 1995,'' FDA estimated the burden to design, test, and produce the label for a drug product's immediate container and outer container or package, as set forth in 21 CFR part 201, including §§ 201.10, 201.100(b), and other sections in subpart A and subpart B.

III. Electronic Access

Persons with access to the internet may obtain the document at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: April 13, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–08200 Filed 4–18–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Grant (R01).

Date: May 11, 2018.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: J. Bruce Sundstrom, Ph.D., Scientific Review Officer Scientific Review Program, Division of Extramural Activities, Room 3G11A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, 240–669–5045, *sundstromj@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 13, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–08171 Filed 4–18–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Global Noncommunicable Diseases and Injury Across the Lifespan: Exploratory Research.

Date: April 25, 2018.

Time: 11:00 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Fungai Chanetsa, MPH, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770 Bethesda, MD 20892, 301–408–9436, *fungai.chanetsa@nih.hhs.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 13, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–08170 Filed 4–18–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Revision of Agency Information Collection Activity Under OMB Review: Crew Member Self-Defense Training—Registration and Evaluation

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0028, abstracted below to OMB for review and approval of a revision of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves requesting information from flight and cabin crew members of air carriers to participate in voluntary advanced self-defense training provided by TSA. Each crew member will also be required to complete an electronic Injury Waiver Form. Additionally, each participant is asked to complete an anonymous course evaluation at the conclusion of the training.

DATES: Send your comments by May 21, 2018. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on December 12, 2017, 82 FR 58433.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

Title: Crew Member Self-Defense Training—Registration and Evaluation.

Type of Request: Revision of a currently approved collection.

OMB Control Number: 1652–0028.

Forms(s): ''Web enabled Registration Form''; ''Injury Waiver Form''; ''Attendance Roster''; ''Electronic Feedback Tab.''

Affected Public: Flight and cabin crew members on passenger and cargo flights.

Abstract: TSA is seeking a revision of the ICR, currently approved under OMB control number 1652–0028, to continue compliance with a statutory mandate. Under 49 U.S.C. 44918(b), TSA is required to develop and provide a voluntary advanced self-defense training program for flight and cabin crew members of U.S. air carriers providing scheduled passenger air transportation.

TSA currently collects biographical information from crew members to confirm their eligibility to participate in this training program and to confirm their attendance. TSA confirms the eligibility of the participant by contacting the participant's employer, and confirms attendance by comparing the registration information against a sign-in sheet provided in the classroom.

TSA is making a number of revisions to this ICR. First, TSA is changing the name of the collection from ''Flight Crew Self-Defense Training-Registration and Evaluation'' to ''Crew Member Self-Defense Training-Registration and Evaluation.'' Furthermore, TSA has expanded the program to allow voluntary participation by air carriers providing cargo air transportation. Also, TSA will no longer collect the last four digits of the SSN from crew members and will update the attendance roster to add a ''training complete'' column and remove the ''Day 1–3'' and ''2nd ID #'' columns. In addition, TSA will include an electronic Injury Waiver Form. Finally, TSA will replace the evaluation form with an electronic feedback tab.

Number of Respondents: 3,400.

Estimated Annual Burden Hours: An estimated 595 hours annually.

Dated: April 13, 2018.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2018–08162 Filed 4–18–18; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Extension of Agency Information Collection Activity Under OMB Review: Law Enforcement Officers Flying Armed Training

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0034, abstracted below to OMB for review and approval of an extension of the

currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the Federal Air Marshal Service (FAMS) maintenance of a database of all Federal, State, and local law enforcement agencies that have received the Law Enforcement Officers Flying Armed Training course.

DATES: Send your comments by May 21, 2018. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on January 24, 2018, 83 FR 3362.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

Title: Law Enforcement Officers Flying Armed Training.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 1652–0034.

Forms(s): N/A.

Affected Public: Law Enforcement Officers.

Abstract: TSA requires territorial, tribal, Federal, municipal, county, State, and authorized railroad law enforcement officers (LEOs) who have a mission need to fly armed, to complete the LEOs Flying Armed Training under 49 CFR 1544.219. Eligibility is based on requirements stated in 49 CFR 1544.219. TSA will gather information, including, but not limited to, agency name, address, and name of each individual who will receive the training, from law enforcement agencies that have requested the LEOs Flying Armed training course. Applicant verification ensures that only LEOs with a valid need to fly armed aboard commercial aircraft receive training. Applicants come from territorial, tribal, Federal, municipal, county, State, and authorized railroad law enforcement agencies throughout the country. For more information about the program, please see *https://www.tsa.gov/travel/law-enforcement.*

Number of Respondents: 2,000.

Estimated Annual Burden Hours: An estimated 167 hours annually.

Dated: April 13, 2018.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2018–08161 Filed 4–18–18; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7002–N–06]

60-Day Notice of Proposed Information Collection: Community Development Block Grant Entitlement Program

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* June 18, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Departmental Paperwork Reduction Act Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4160, Washington, DC 20410; telephone: 202–708–3400 (this is not a toll-free number) or email Ms. Pollard for a copy of the proposed form and other available information.

FOR FURTHER INFORMATION CONTACT: Gloria Coates, Community Planning and Development Specialist, Entitlement Communities Division, Office of Block Grant Assistance, 451 7th Street SW, Room 7282, Washington, DC 20410; telephone (202) 708–1577 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Community Development Block Grant Entitlement Program.

OMB Approval Number: 2506–0077.

Type of Request: Revision of a currently approved collection.

Form Number: Not applicable.

Description of the Need for the Information and Proposed Use: This request identifies the estimated reporting burden associated with information that CDBG entitlement grantees will report in IDIS for CDBG-assisted activities, recordkeeping requirements, and reporting requirements. Grantees are encouraged to update their accomplishments in IDIS on a quarterly basis. In addition, grantees are required to retain records necessary to document compliance with statutory and regulatory requirements, Executive Orders, 2 CFR part 200 requirements, and determinations required to be made by grantees as a determination of eligibility. Grantees are required to prepare and submit their Consolidated Annual Performance and Evaluation Reports, which demonstrate the progress grantees make in carrying

out CDBG-assisted activities listed in their consolidated plans. This report is due to HUD 90 days after the end of the grantee's program year. The information required for any particular activity is generally based on the eligibility of the activity and which of the three national objectives (benefit low- and moderate-income persons; eliminate/prevent slums or blight; or meet an urgent need) the grantee has determined that the activity will address.

Respondents: Grant recipients (metropolitan cities and urban counties) participating in the CDBG Entitlement Program.

Estimation Number of Respondents: 1,209.

Estimation Number of Responses: The proposed frequency of the response to the collection is on an annual basis.

Frequency of Response: Annually.

Total Estimated Burdens: The total estimated burden is 566,059.

Task	Number of respondents	Frequency	Total responses	Hours per response	Annual burden per respondent	Total hours
Current Inventory*:						
Recordkeeping pursuant to 24 CFR 570.506	1,209	1	1,209	129.2	129.2	156,208
Reporting pursuant to 24 CFR 570.507	1,209	4	4,836	78.50	312	379,626
24 CFR 570.200 (e) and 570.506(c):						
Entitlement communities maintain required documentation	1,209	1	1,209	25	25	30,225
Total	1,209		7,254			566,059

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(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 collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: April 5, 2018.

Lori Michalski,

Acting General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2018–08235 Filed 4–18–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7006–N–05]

60-Day Notice of Proposed Information Collection: Energy and Performance Information Center (EPIC)

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* June 18, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW, Room 3178, Washington, DC 20410; telephone 202–402–4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Energy and Performance Information Center (EPIC).

OMB Approval Number: 2577–0274.

Type of Request: Revision of a currently approved collection.

Form Numbers: N/A—all information collected electronically.

Description of the Need for the Information and Proposed Use: The EPIC data system automates the previous paper collection of the five-year plan and annual statement forms from grantees. These are required forms were collected in hard copy on Forms HUD 50075.1 and HUD 50075.2 under collection OMB control number 2577–0157. These forms also collect data on the eventual, actual use of funds; this data will be gradually collected electronically through the EPIC data system as well. Electronic collection will enable the Department to aggregate information about the way grantees are

using Federal funding. Additionally, PHA grantees will be able to submit Replacement Housing Factor fund plans, the mechanism by which PHAs are allowed to accumulate special funds received based on units removed from the inventory from year to year. This information is presently collected in hard copy at the field office level; the EPIC data system will automate and centralize this collection in order to streamline the process and improve transparency. Furthermore, the EPIC data system will be loaded with Physical Needs Assessment (''PNA'') data. This data being in the system coupled with the electronic planning process will streamline grantee planning. The EPIC data system will collect information about the Energy Performance Contract (''EPC'') process, including the energy efficiency improvements. As the Department moves to shrink its energy footprint in spite of rising energy costs, clear and comprehensive data on this process will be crucial to its success. Tracking of the use of Federal funds paid through the Public Housing Capital Fund, the only Federal funding stream dedicated to the capital needs of the nation's last resort housing option, is crucial to understanding how the Department can properly and efficiently assist grantees in meeting this goal as well as assessing the Department's own progress. The EPIC data system will track development of public housing with Federal funds and through other means, including mixed-finance development.

Respondents (i.e. affected public): Members of Affected Public: State, Local or Local Governments and Non-profit organizations.

Estimated Number of Respondents: 2,950.

Estimated Number of Responses: 22,150 annual responses.

Frequency of Response: 1.

Average Hours per Response: 1.84.

Total Estimated Burdens: 40,695 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(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 collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35 as amended.

Dated: April 4, 2018.

Merrie Nichols-Dixon,

Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2018–08234 Filed 4–18–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2018–N041; FXES11130200000–189–FF02ENEH00]

U.S. Endangered Species; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to recover and enhance endangered species survival. With some exceptions, the Endangered Species Act of 1973, as amended (ESA), prohibits certain activities that may impact endangered species unless a Federal permit allows such activity. The ESA also requires that we invite public comment before issuing these permits.

DATES: To ensure consideration, please send your written comments by May 21, 2018.

ADDRESSES: Request documents or submit comments to Susan Jacobsen, Chief, Classification and Restoration Division, by U.S. mail to U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, NM 87103. Please specify the permit you are interested in by number (*e.g.,* Permit No. TE–123456).

FOR FURTHER INFORMATION CONTACT: Susan Jacobsen, Chief, Classification and Restoration Division, by U.S. mail or by telephone at 505–248–6641.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to recover and enhance endangered species survival. With some exceptions, the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits certain activities that may impact endangered species, unless a Federal permit allows such activity. The ESA also requires that we invite public comment before issuing these permits.

Background

The ESA prohibits certain activities with endangered and threatened species unless a Federal permit authorizes them. The ESA and our implementing regulations in the Code of Federal Regulations (CFR), title 50, part 17, provide for issuing such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit we issue under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or enhance the species' propagation or survival. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

In accordance with section 10(c) of the ESA, we invite public comment on these permit applications before we take final action.

Applications Available for Review and Comment

We invite local, State, Tribal, and Federal agencies and the public to comment on the following applications. Please refer to the permit number for the application when submitting comments.

Documents and other information submitted with these applications are available for review by any party who submits a written request to the contact in **ADDRESSES**. Requests must be submitted by the date in **DATES**. Our release of documents is subject to Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552) requirements.

Permit Applications

Proposed activities in the following permit requests are for the species' recovery and survival enhancement.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE–166250	Miami University, Oxford, Ohio.	Texas hornshell (*Popenaias popeii*).	New Mexico and Texas.	Presence/absence surveys; handling; tagging; collection; and salvage.	Collect; harm; and harass.	Amend.
TE–037155	Bio-West, Inc., Round Rock, Texas.	Texas hornshell (*Popenaias popeii*).	New Mexico and Texas.	Presence/absence surveys; handling.	Harm and harass	Amend.
TE–018475	New Mexico Department of Game and Fish, Santa Fe, New Mexico.	Texas hornshell (*Popenaias popeii*).	New Mexico	Presence/absence surveys; handling; tagging; collection; transport; culture; and research.	Collect; kill; harm; and harass.	Amend.
TE–78507C	James A. Stoeckel, Auburn, Alabama.	Texas hornshell (*Popenaias popeii*).	New Mexico and Texas.	Presence/absence surveys; handling; tagging; collection; transport; culture; and research.	Collect; kill; harm; and harass.	New.
TE–79165C	Charles R. Randklev, Dallas, Texas.	Texas hornshell (*Popenaias popeii*).	New Mexico and Texas.	Presence/absence surveys; handling; tagging; collection; transport; culture; and research.	Collect; kill; harm; and harass.	New.
TE–814933	Texas Parks and Wildlife Department, Austin, Texas.	Texas hornshell (*Popenaias popeii*).	Texas	Presence/absence surveys; handling; tagging; collection; transport; culture; and research.	Collect; kill; harm; and harass.	Amend.

Public Availability of Comments

All comments and materials we receive in response to these requests will be available for public inspection, by appointment, during normal business hours at the address listed in **ADDRESSES.**

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*).

Dated: March 16, 2018.

Amy L. Lueders,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2018–08197 Filed 4–18–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R5–FR–2018–N053; FF05F24400–167–FXFR13350500000; OMB Control Number 1018–0127]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Horseshoe Crab and Cooperative Fish Tagging Programs

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service, are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before May 21, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or by email to *Info_Coll@fws.gov.* Please reference OMB Control Number 1018–0127 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

On September 7, 2017, we published in the **Federal Register** (82 FR 42359) a notice of our intent to request that OMB renew approval for this information collection. In that notice, we solicited comments for 60 days, ending on

November 6, 2017. We received one comment in response to that notice which did not address the information collection requirements. No changes were made to this collection of information in response to that comment.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the Service; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Service enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Service minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Maryland Fish & Wildlife Conservation Office (MDFWCO) will collect information on fishes captured by the public. Tag information provided by the public will be used to estimate recreational and commercial harvest rates, estimate natural mortality rates, and evaluate migratory patterns, length and age frequencies, and effectiveness of current regulations.

Horseshoe crabs play a vital role commercially, biomedically, and ecologically along the Atlantic coast. Horseshoe crabs are commercially harvested and used as bait in eel and conch fisheries. Biomedical companies along the coast also collect and bleed horseshoe crabs at their facilities. Limulus amebocyte lysate, derived from crab blood, is used by pharmaceutical companies to test sterility of products. Finally, migratory shorebirds also depend on the eggs of horseshoe crabs to refuel on their migrations from South America to the Arctic. One bird in particular, the rufa red knot (*Calidris canutus rufa*), feeds primarily on horseshoe crab eggs during its stopover. Effective January 12, 2015, the rufa red knot was listed as threatened under the Endangered Species Act (79 FR 73706; December 11, 2014).

In 1998, the Atlantic States Marine Fisheries Commission (ASMFC), a management organization with representatives from each State on the Atlantic coast, developed a horseshoe crab management plan. The ASMFC plan and its subsequent addenda established mandatory State-by-State harvest quotas, and created the 1,500-square-mile Carl N. Shuster, Jr., Horseshoe Crab Sanctuary off the mouth of Delaware Bay.

Restrictive measures have been taken in recent years, but populations are increasing slowly. Because horseshoe crabs do not breed until they are 9 years or older, it may take some time before the population measurably increases. Federal and State agencies, universities, and biomedical companies participate in a Horseshoe Crab Cooperative Tagging Program. The Service's MDFWCO maintains the information collected under this program and uses it to evaluate migratory patterns, survival, and abundance of horseshoe crabs.

Agencies that tag and release the crabs complete FWS Form 3–2311 (Horseshoe Crab Tagging) and provide the Service with:

- Organization name.
- Contact person name.
- Tag number.
- Sex of crab.
- Prosomal width.
- Capture site, latitude, longitude, waterbody, State, and date.

Members of the public who recover tagged crabs provide the following information using FWS Form 3–2310 (Horseshoe Crab Recapture Report):

- Tag number.
- Whether or not tag was removed.
- Whether the tag was circular or square.
- Condition of crab.
- Date captured/found.
- Crab fate.
- Finder type.
- Capture method.
- Capture location.
- Reporter information.
- Comments.

At the request of the public participant reporting the tagged crab, we send data pertaining to the tagging program and tag and release information on the horseshoe crab that was found or captured.

We propose a revision to this existing collection of information to include four forms currently in use which are used by the Service:

- Form 3–2493, ''American Shad Recapture Report'';
- Form 3–2494, ''Snakehead Recapture Report'';
- Form 3–2495, ''Striped Bass Recapture Report''; and
- Form 3–2496, ''Sturgeon Recapture Report.''

Fish will be tagged with an external tag containing a toll-free number for MDFWCO. Members of the public reporting a tag will be asked a series of questions pertaining to the fish that they are referencing. This data will be used by fisheries managers throughout the east coast and mid-Atlantic region, depending on species.

Currently the species that are tagged are striped bass (*Morone saxatilis*), Atlantic (*Acipenser oxyrinchus*) and shortnose sturgeon (*Acipenser brevirostrum*), northern snakehead (*Channa argus*), and American shad (*Alosa sapidissima*). Striped bass are cooperatively managed by Federal and State agencies through the Atlantic States Marine Fisheries Commission (ASMFC). The ASMFC uses fish tag return data to conduct stock assessments for striped bass. The database and collection are housed within MDFWCO, while the tagging is conducted by State agencies participating in Striped Bass management. Without this data collection, striped bass management would likely suffer from a lack of quality data.

Sturgeon are tagged by Federal, State, and university biologists and nongovernmental organizations along the U.S. east coast and into Canada, and throughout the United States and Canada. Local populations of Atlantic sturgeon have been listed as either threatened or endangered since 2012, and shortnose populations have been listed since 1973. The information collected provides data on tag retention and sturgeon movement along the east coast. The data are also used to address some of the management and research needs identified by amendment 1 to the ASMFC's Atlantic Sturgeon Fishery Management Plan.

Northern snakehead is an invasive species found in many watersheds throughout the mid-Atlantic region. It has been firmly established in the Potomac River since at least 2004. Federal and State biologists within the Potomac River watershed have been tasked with managing the impacts of northern snakehead. Tagging of northern snakehead is used to learn more about the species so that control efforts can be better informed. Tagging is also used to estimate population sizes to monitor fluctuations in population size. Recreational and commercial fishers reporting tags provide information on catch rates and migration patterns as well.

American shad are tagged by the New York Department of Environmental Conservation (NYDEC), which retains all fish tagging information. The public reports tags to MDFWCO, who provides information on tag returns to NYDEC. Tag return data are used to monitor migration and abundance of shad along the Atlantic coast.

Data collected across these tagging programs are similar in nature, including: Tag number, date of capture, waterbody of capture, capture method, fish length, fish weight, fish fate (whether released or killed), fisher type (*i.e.,* commercial, recreational, etc.). In addition, if the tag reporter desires more information on their tagged fish or wants the modest reward that comes with reporting a tag, we ask their address so that we can mail them the information.

Title of Collection: Horseshoe Crab and Cooperative Fish Tagging Programs.

OMB Control Number: 1018–0127.

Form Number: FWS Forms 3–2310, 3–2311, and 3–2493 through 3–2496.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Respondents include Federal and State agencies, universities, and biomedical companies who conduct tagging and members of the general public who provide recapture information.

Total Estimated Number of Annual Respondents: 2,026.

Total Estimated Number of Annual Responses: 3,648.

Estimated Completion Time per Response: Varies from 5 minutes to 95 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 2,241.

Respondent's Obligation: Voluntary.

Frequency of Collection: Respondents will provide information on occasion, upon tagging or upon encounter with a tagged crab or fish.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: April 16, 2018.

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2018–08186 Filed 4–18–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–R–2018–N027; FXRS12630900000–167–FF09R81000; OMB Control Number 1018–0140]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Hunting and Fishing Application Forms and Activity Reports for National Wildlife Refuges

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service, are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 21, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or by email to *Info_Coll@fws.gov.* Please reference OMB Control Number 1018–0140 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on August 31, 2017 (82 FR 41421). We received no comments in response to that notice.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the Service; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Service enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Service minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee), as amended (Administration Act), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k–460k–4) (Recreation Act) govern the administration and uses of national wildlife refuges and wetland management districts. The Administration Act consolidated all the different refuge areas into a single Refuge System. It also authorizes us to permit public uses, including hunting and fishing, on lands of the Refuge System when we find that the activity is compatible and appropriate with the purpose for which the refuge was established. The Recreation Act allows the use of refuges for public recreation when the use is not inconsistent or does not interfere with the primary purpose(s) of the refuge.

We administer 373 hunting programs and 310 fishing programs on 411 refuges and wetland management districts. We only collect user information at about 20 percent of these refuges. Information that we plan to collect will help us:

- Administer and monitor hunting and fishing programs on refuges.
- Distribute hunting and fishing permits in a fair and equitable manner to eligible participants.

We use nine application and report forms associated with hunting and fishing on refuges. We may not allow all opportunities on all refuges; therefore, we developed different forms to simplify the process and avoid confusion for applicants. The currently approved forms are available online at *http://www.fws.gov/forms/*. Not all refuges will use each form and some refuges may collect the identical information in a non-form format (meaning there is no designated form associated with the collection of information).

We use the following application forms when we assign areas, dates, and/or types of hunts via a drawing because of limited resources, high demand, or when a permit is needed to hunt. We issue application forms for specific periods, usually seasonally or annually.

- FWS Form 3–2354 (Quota Deer Hunt Application).
- FWS Form 3–2355 (Waterfowl Lottery Application).
- FWS Form 3–2356 (Big/Upland Game Hunt Application).
- FWS Form 3–2357 (Migratory Bird Hunt Application).
- FWS Form 3–2358 (Fishing/Shrimping/Crabbing Application).

Forms 3–2354 through 3–2358 collect information on:

- Applicant (name, address, phone number) so that we can notify applicants of their selection.
- User preferences (dates, areas, method) so that we can distribute users equitably.
- Whether or not the applicant is applying for a special opportunity for disabled or youth hunters.
- Age of youth hunter(s) so that we can establish eligibility.

We ask users to report on their success after their experience so that we can evaluate hunting/fishing quality and resource impacts. We use the following activity reports, which we distribute during appropriate seasons, as determined by State or Federal regulations.

- FWS Form 3–2359 (Big Game Harvest Report).
- FWS Form 3–2360 (Fishing Report).
- FWS Form 3–2361 (Migratory Bird Hunt Report).
- FWS Form 3–2362 (Upland/Small Game/Furbearer Report).

Forms 3–2359 through 3–2362 collect information on:

- Names of users so we can differentiate between responses.
- City and State of residence so that we can better understand if users are local or traveling.
- Dates, time, and number in party so we can identify use trends and allocate staff and resources.
- Details of success by species so that we can evaluate quality of experience and resource impacts.

Title of Collection: Hunting and Fishing Application Forms and Activity Reports for National Wildlife Refuges, 50 CFR 25.41, 25.43, 25.51, 26.32, 26.33, 27.42, 30.11, 31.15, 32.1 to 32.72.

OMB Control Number: 1018–0140.

Form Number: FWS Forms 3–2354 through 3–2362.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals and households.

Total Estimated Number of Annual Respondents: 805,492 (269,011 for applications and 536,481 for activity reports).

Total Estimated Number of Annual Responses: 805,492.

Estimated Completion Time per Response: 15 minutes for hunting/fishing applications and 10 minutes for activity reports.

Total Estimated Number of Annual Burden Hours: 156,667 (67,253 for applications and 89,414 for activity reports).

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion (for applications, usually once per year at the beginning of the hunting season; for activity reports, once at the conclusion of the hunting/fishing experience).

Total Estimated Annual Nonhour Burden Cost: We estimate the annual non-hour cost burden to be $65,000 for hunting application fees at approximately 31 of the 408 refuges that are open for hunting and/or fishing.

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 16, 2018.

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2018–08188 Filed 4–18–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–MB–2018–N052; FXMB123109WEBB0–167–FF09M25100; OMB Control Number 1018–0019]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; North American Woodcock Singing Ground Survey

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service, are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 21, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or by email to *Info_Coll@fws.gov.* Please reference OMB Control Number 1018–0019 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of

information was published on October 13, 2017 (82 FR 47763). We received one comment in response to that notice but it did not address the information collection requirements. No changes to the information collection were made as a result of this comment.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the Service; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Service enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Service minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Migratory Bird Treaty Act (16 U.S.C. 703–712) and the Fish and Wildlife Act of 1956 (16 U.S.C. 742a–754j–2) designate the Department of the Interior as the primary agency responsible for:

- Managing migratory bird populations frequenting the United States, and
- Setting hunting regulations that allow for the well-being of migratory bird populations.

These responsibilities dictate that we gather accurate data on various characteristics of migratory bird populations.

The North American Woodcock Singing Ground Survey is an essential part of the migratory bird management program. State, Federal, Provincial, local, and tribal conservation agencies conduct the survey annually to provide the data necessary to determine the population status of the woodcock. In addition, the information is vital in assessing the relative changes in the geographic distribution of the woodcock. We use the information primarily to develop recommendations for hunting regulations. Without information on the population's status, we might promulgate hunting regulations that:

- Are not sufficiently restrictive, which could cause harm to the woodcock population, or
- Are too restrictive, which would unduly restrict recreational opportunities afforded by woodcock hunting.

The Service, State conservation agencies, university associates, and other interested parties use the data for various research and management projects.

Title of Collection: North American Woodcock Singing Ground Survey.

OMB Control Number: 1018–0019.

Form Number: FWS Form 3–156.

Type of Review: Renewal of a currently approved collection.

Respondents/Affected Public: State, Provincial, local, and Tribal employees.

Total Estimated Number of Annual Respondents: 808.

Total Estimated Number of Annual Responses: 808.

Estimated Completion Time per Response: Varies from 1.75 hours to 1.88 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 1,515.

Respondent's Obligation: Voluntary.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: April 16, 2018.

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2018–08189 Filed 4–18–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/ A0A501010.999900]

HEARTH Act Approval of the Oneida Nation of Wisconsin's Regulation

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: On January 23, 2018, the Bureau of Indian Affairs (BIA) approved the Oneida Nation of Wisconsin (previously listed as Oneida Tribe of Indians of Wisconsin) (Nation) leasing regulations under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Nation is authorized to enter into business, agricultural and residential leases without further BIA approval.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street, MS–4642–MIB, NW, Washington, DC 20240, at (202) 208–3615.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into agricultural and business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Oneida Nation of Wisconsin.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest

in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 465 preempts State taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* No. 14–14524, *13–*17, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72,447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' *Id.* at 5–6.

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 134 S. Ct. 2024, 2043 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 2043–44 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to the Part 162 regulations.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or Part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Oneida Nation of Wisconsin.

Dated: January 23, 2018.

John Tahsuda,

Principal Deputy Assistant Secretary—Indian Affairs Exercising the Authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2018–08218 Filed 4–18–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025286; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Wisconsin Historical Society, Madison, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Wisconsin Historical Society has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Wisconsin Historical Society. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Wisconsin Historical Society at the address in this notice by May 21, 2018.

ADDRESSES: Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Wisconsin Historical Society, Madison, WI. The human remains were removed from the Pleasant Plain Group site, Barron County, and the Mertig Site, Sawyer County, WI.

This notice is published as part of the National Park Service's administrative

responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Wisconsin Historical Society professional staff in consultation with representatives of the Forest County Potawatomi Community, Wisconsin; Ho-Chunk Nation of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Menominee Indian Tribe of Wisconsin; and Upper Sioux Community, Minnesota.

History and Description of the Remains

In 1947, human remains representing, at minimum, two individuals were removed from the Pleasant Plain Group (47–BN–0025) in Barron County, WI. The site consists of 27 mounds, including 15 conical mounds, 12 oval or linear mounds, and one ''catfish'' or ''tadpole'' mound. The human remains representing one adult male and one possible adult male were found in a single sub-floor burial pit in the center of Mound 2 by Robert R. Jones and students of the University of Wisconsin Extension Center. It is not clear what type of mound Mound 2 was. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, two individuals were removed from the Mertig Site (47–SY–0042) in Sawyer County, WI. Landowner Fred Mertig found partially cremated human remains while leveling the mounds. He also recovered two copper beads, one of which enclosed a piece of buckskin. In 1956, Mertig sent the human remains and copper beads to the Wisconsin Historical Society for analysis. The recovery location of the copper beads is unknown and there is a lack of information to indicate they were associated funerary objects. Skeletal analysis determined the human remains represent one adult and one child, both of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Wisconsin Historical Society

Officials of the Wisconsin Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on Wisconsin Historical Society records, burial location, oral histories, and skeletal analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as the Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; and the Turtle Mountain Band of Chippewa Indians of North Dakota (hereafter referred to as ''The Aboriginal Land Tribes'').
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Aboriginal Land Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org,* by May 21, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Aboriginal Land Tribes may proceed.

The Wisconsin Historical Society is responsible for notifying The Aboriginal Land Tribes, Forest County Potawatomi Community, Wisconsin; Ho-Chunk Nation of Wisconsin; Menominee Indian Tribe of Wisconsin; and Upper Sioux Community, Minnesota, that this notice has been published.

Dated: March 22, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–08174 Filed 4–18–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025293; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Wisconsin Historical Society, Madison, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Wisconsin Historical Society has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Wisconsin Historical Society. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Wisconsin Historical Society at the address in this notice by May 21, 2018.

ADDRESSES: Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Wisconsin Historical Society, Madison, WI. The human remains and associated funerary objects were removed from the Wade Farm Mounds, Polk County, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Wisconsin Historical Society professional staff in consultation with representatives of the Forest County Potawatomi Community, Wisconsin; Ho-Chunk Nation of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Menominee Indian Tribe of Wisconsin; and Upper Sioux Community, Minnesota.

History and Description of the Remains

In 1960, human remains representing, at minimum, nine individuals were removed from Wade Farm Mounds (47–PK–0004) in Polk County, WI. The Wisconsin Historical Society, under the direction of Joan Freeman and with the assistance of the Polk Historical Society and students from the University of Wisconsin, conducted salvage excavations over a three day period prior to the creation of a gravel pit at the site. They excavated portions of Mound 2, Mound 3, and Mound 4, and excavated human remains representing nine individuals of indeterminate age and sex. No known individuals were identified. The six associated funerary objects are two groups of ceramic sherds, one group of lithics, two groups of wood fragments, and one chert biface.

Determinations Made by the Wisconsin Historical Society

Officials of the Wisconsin Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on Wisconsin Historical Society records, burial location, archeological context, oral histories, and skeletal analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of nine individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the six objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains associated funerary objects and any present-day Indian Tribe.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as the Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Ottawa Tribe of Oklahoma; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; and the Turtle Mountain Band of Chippewa Indians of North Dakota (hereafter referred to as ''The Aboriginal Land Tribes'').
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to The Aboriginal Land Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org,* by May 21, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Aboriginal Land Tribes may proceed.

The Wisconsin Historical Society is responsible for notifying The Aboriginal Land Tribes; Forest County Potawatomi Community, Wisconsin; Ho-Chunk Nation of Wisconsin; Menominee Indian Tribe of Wisconsin; and Upper Sioux Community, Minnesota, that this notice has been published.

Dated: March 22, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–08180 Filed 4–18–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–25289; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Wisconsin Historical Society, Madison, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Wisconsin Historical Society has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Wisconsin Historical Society. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native

Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Wisconsin Historical Society at the address in this notice by May 21, 2018.

ADDRESSES: Jennifer Kolb, Wisconsin Historical Society, 816 State Street Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Wisconsin Historical Society, Madison, WI. The human remains and associated funerary objects were removed from multiple sites in Crawford County, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Wisconsin Historical Society professional staff in consultation with representatives of the Forest County Potawatomi Community, Wisconsin; Ho-Chunk Nation of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Menominee Indian Tribe of Wisconsin; and Upper Sioux Community, Minnesota.

History and Description of the Remains

In 1937, human remains representing, at minimum, one individual were removed from Rock Shelter #4 (47–CR–0191) in Crawford County, WI. The site was first documented in 1937, by Leland Cooper who was associated with the Wisconsin Historical Society at the time. A Wisconsin Historical Society card catalog lists 97 artifacts recovered as a ''general sample from 4–10 inches deep in floor of rockshelter'' were collected by Cooper in 1937 and accessioned by the Wisconsin Historical Society in 1978. Later analysis of the collection revealed human remains that represent one individual of indeterminate age and sex. There is no evidence to suggest the artifacts collected and accessioned at the same time are funerary objects associated with the human remains. No known individuals were identified. No associated funerary objects are present.

In 1990, human remains representing, at minimum, one individual were removed from the Copper Creek Mound Group (47–CR–0484) in Crawford County, WI. A local informant contacted the Wisconsin Burial Site Preservation Office (BSPO) to report that the site had recently been looted, and representatives of the BPSO visited the site. They conducted a pedestrian survey of the mounds and collected a small group of human remains that were visible on the surface. The few human remains collected are very fragmentary and represent one individual of indeterminate age and sex. No associated funerary objects were found. No known individuals were identified.

In 1993, human remains representing, at minimum, one individual were removed from Highway 35 (47–CR–0731) in Crawford County, WI. A cranium was found resting next to a cement retaining wall near the property of Thomas and Alleine La Chine near Prairie du Chien. The La Chines contacted the Crawford County Sheriff's Department upon their discovery, and the police subsequently contacted the Wisconsin Burial Sites Preservation Office (BSPO). A representative from the BPSO investigated the site but did not locate any other human remains or artifacts. The human remains were transferred from the Crawford County Sheriff's Department to the Wisconsin Historical Society. The cranium was later determined to be from an adult female with attributes of mixed European-American and Native American ancestry. No known individuals were identified. No associated funerary objects are present.

In 1976, human remains representing, at minimum, two individuals were removed from McDonald Graves (47–CR–0166) in Crawford County, WI. The human remains were discovered during a sewer construction project in an alley located in the city of Prairie du Chien. Homeowners initially contacted the Prairie du Chien Police Department, who immediately contacted the Wisconsin Historical Society (WHS). Representatives from the WHS visited the site within days and conducted an excavation in conjunction with the Prairie du Chien Police of what appeared to be profiles of two coffins. The Prairie du Chien Police Department originally took custody of the human remains and artifacts, but transferred them to the WHS in 1976. Skeletal analysis later determined the human remains represent an adult male and an adult female, both of Native American ancestry. No known individuals were identified. The one associated funerary object is a group of 20 coffin nails and fragments of wood.

In 1960, human remains representing, at minimum, one individual were removed from the Miller Site (47–CR–0001) in Crawford County, WI. The Miller Site was investigated in 1960 and 1961 by the Wisconsin Historical Society's Highway Archaeology Program under a cooperative agreement with the Wisconsin Department of Transportation. During the 1960 excavations, the remains of a single adult male were excavated from a burial pit located in the southern portion of the investigated area. No known individuals were identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, two individuals were removed from the Waterfront Site (47–CR–0436) in Crawford County, WI. Local resident J.P. Albee discovered human remains representing two probable male individuals on St. Feriole Island along the East Channel of the Mississippi River in the city of Prairie du Chien. Mr. Albee donated the human remains to the Wisconsin Historical Society in 1912. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Wisconsin Historical Society

Officials of the Wisconsin Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on Wisconsin Historical Society records, burial location, archeological context, oral histories, and skeletal analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of eight individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and

associated funerary objects and any present-day Indian Tribe.

• According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Ho-Chunk Nation of Wisconsin and the Winnebago Tribe of Nebraska.

• Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as the Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Ho-Chunk Nation of Wisconsin; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Ottawa Tribe of Oklahoma; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Turtle Mountain Band of Chippewa Indians of North Dakota; and the Winnebago Tribe of Nebraska (hereafter referred to as ''The Aboriginal Land Tribes'').

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to The Aboriginal Land Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org,* by May 21, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Aboriginal Land Tribes may proceed.

The Wisconsin Historical Society is responsible for notifying The Aboriginal Land Tribes; Forest County Potawatomi Community, Wisconsin; Menominee Indian Tribe of Wisconsin; and Upper Sioux Community, Minnesota, that this notice has been published.

Dated: March 22, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–08176 Filed 4–18–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025287, PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Wisconsin Historical Society, Madison, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Wisconsin Historical Society has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Wisconsin Historical Society. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Wisconsin Historical Society at the address in this notice by May 21, 2018.

ADDRESSES: Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Wisconsin Historical Society, Madison, WI. The human remains and associated funerary objects were removed from the Mosquito Island Sandbar Discovery, Buffalo County, and the Schwert Mound Group, Trempealeau County, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Wisconsin Historical Society professional staff in consultation with representatives of the Forest County Potawatomi Community, Wisconsin; Ho-Chunk Nation of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Menominee Indian Tribe of Wisconsin; and Upper Sioux Community, Minnesota.

History and Description of the Remains

In 1966, human remains representing, at minimum, 56 individuals were removed from Schwert Mound Group (47–TR–0031) in Trempealeau County, WI. The Wisconsin Historical Society (WHS), in a joint project with the University of Wisconsin-Madison's Department of Anthropology and Center for Climatic Research, excavated two mounds (Mounds 4 and 26) at the site in 1966. All of the human remains in Mound 4 were found in a single sub-floor burial pit with 24 distinct burial areas within the pit (Burials 1–15, 17–25). Internment patterns included fully extended individuals and bundle burials. Skeletal analysis determined that these remains represent four adult males, five adult females, thirteen adults of indeterminate sex, six juveniles, and five individuals of indeterminate age and sex. Five out of the six subadults were interred with an adult. Remains were found in two separate locations

within Mound 26. The earliest burials were interred in a single sub-floor burial pit below the mound, and a second internment phase consisted of two distinct intrusive burial areas. Eight separate bundle burials (Burials A–H) were excavated and scattered individual bones were also found in the burial pit. Skeletal analysis determined that the remains represent 11 adult males, one adult female, three adults of indeterminate sex, six subadults, one fetus, and one individual of indeterminate age and sex. Similar to Mound 4, five of the subadults were buried with at least one adult. No known individuals were identified. The 48 associated funerary objects are 14 stone blades, one chert core, four ceramic vessels, one clay plug, two copper tubes, one sheet of copper, ten groups of stone flakes, one chert biface fragment, nine groups of ceramic sherds, one group of charcoal, one group of wood fragments, one group of animal bone, and two groups of stone fragments.

In 2003, human remains representing, at minimum, one individual were removed from the Mosquito Island Sandbar Discovery (47–BF–0233) in Buffalo County, WI. The human remains from this site consist of a single femur found by a family playing on a sandbar near Mosquito Island in the Mississippi River. The family took the femur to Dr. William McNeil of the Winona, Minnesota Community Memorial Hospital, who identified the femur as human. Dr. McNeil then contacted Dr. Thomas Retzinger of the Winona County Coroner's Office who contacted the Minnesota State Archeologist, Mark Dudzik. Dudzik determined that the site of recovery was within Wisconsin and sent the human remains for deposition and analysis to the Wisconsin Historical Society Burial Sites Preservation Office (BSPO). Skeletal analysis by BSPO staff determined the femur exhibited morphological features consistent with Native American ancestry. Due to the nature of the discovery, the time period to which the human remains date and whether their place of recovery was their primary burial location is not known. Additionally, there are no known burial sites along the Mississippi River in Buffalo County. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Wisconsin Historical Society

Officials of the Wisconsin Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on Wisconsin Historical Society records, burial location, archeological context, oral histories, and skeletal analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 57 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 48 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Upper Sioux Community, Minnesota; and the Yankton Sioux Tribe of South Dakota (hereafter referred to as ''The Aboriginal Land Tribes'').
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to The Aboriginal Land Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org* by May 21, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Aboriginal Land Tribes may proceed.

The Wisconsin Historical Society is responsible for notifying The Aboriginal Land Tribes; Forest County Potawatomi Community, Wisconsin; Ho-Chunk Nation of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; and Menominee Indian Tribe of Wisconsin that this notice has been published.

Dated: March 22, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–08175 Filed 4–18–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025296, PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Wisconsin Historical Society, Madison, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Wisconsin Historical Society has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Wisconsin Historical Society. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Wisconsin Historical

Society at the address in this notice by May 21, 2018.

ADDRESSES: Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Wisconsin Historical Society, Madison, WI. The human remains and associated funerary objects were removed from four locations in Winnebago County, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by the Wisconsin Historical Society professional staff in consultation with representatives of the Forest County Potawatomi Community, Wisconsin; Ho-Chunk Nation of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Menominee Indian Tribe of Wisconsin; and Upper Sioux Community, Minnesota.

History and Description of the Remains

In 1994, human remains representing, at minimum, four individuals were removed from Plummer's Point (47–WN–0055) in Winnebago County, WI. The site consists of a mound, garden beds, cache pits, fire pits, and burials. An unknown person collected the human remains eroding from an animal burrow. Through skeletal analysis, Wisconsin Historical Society staff determined the human remains represent three adults of indeterminate sex and one juvenile of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

In 1993, human remains representing, at minimum, three individuals were removed from Butte des Morts Burials (47–WN–0083) in Winnebago County, WI. The human remains were discovered while digging a trench for a water line on a residential plot. Wisconsin Historical Society Burial Sites Preservation Office staff and Jeff Behm, Assistant Professor of Anthropology at University of Wisconsin—Oshkosh (UW—Oshkosh), excavated the burials. The exposed human remains were transferred to the Wisconsin Historical Society for examination while the rest of the burials were left in situ. The human remains were determined to represent two adult males and one adult female. No known individuals were identified. No associated funerary objects are present.

In 1993, human remains representing, at minimum, 19 individuals were removed from the Barefoot Site (47–WN–0280) in Winnebago County, WI. The human remains were excavated prior to the construction of a new housing subdivision, just east of the town of Winneconne. Initial machine stripping of the site revealed numerous features and a number of burials. Mapping and limited excavations of these features were done by archeologists Richard and Carol Mason under the direction of the Wisconsin Historical Society Burial Sites Protection Office (BSPO). Archeologists from the BSPO excavated nine burials (Burials 1–9). An additional four burials were excavated by archeologists from UW—Oshkosh; these human remains were transferred to the Wisconsin Historical Society (Burials 10–13). There is no archeological report describing Burials 1–9. Skeletal analysis for Burials 1–9 was completed in 2015 and it was discovered that none of the human remains were labeled as being from Burial 6. Because Wisconsin Historical Society has in its possession a copper celt that was found with Burial 6, it is possible that the human remains from Burial 6 are present but were mislabeled as being from another burial. However, absent an archeological report for Burials 1–9, it is impossible to determine which human remains were excavated from Burial 6 or if human remains were excavated from that feature. The human remains from all of the burial features were determined to represent eight adult males, four adult females, five juveniles, and two individuals of indeterminate age and sex. No known individuals were identified. The five associated funerary objects are one copper celt, one pipe, one chert point, one group of glass beads, and one stem fragment from a kaolin pipe.

At an unknown date, human remains representing, at minimum, two individuals were removed from Blair Burials (47–WN–0720) in Winnebago County, WI. Sometime prior to 1912, the human remains were removed from a gravel pit located on the T.B. Blair property on a gravel ridge overlooking the western shore of Lake Butte des Morts. Charles E. Brown of the Wisconsin Historical Society states the human remains were discovered when a railroad cut was excavated. Blair donated the human remains to the Wisconsin Historical Society in 1920. In a letter to Charles E. Brown dated January 13, 1912, Blair states that he had two skulls in his possession. Based on the description given by Blair, it is assumed that these skulls are those currently in Wisconsin Historical Society's possession. In 1949, the mandible from one of the skulls was loaned to the University of Wisconsin—Madison and was returned to the Wisconsin Historical Society in 2011. Skeletal analysis conducted in 2005 determined that the human remains represent an adult, possibly female, and an adult male of mixed ancestry. This determination was confirmed after the return of the loaned mandible. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Wisconsin Historical Society

Officials of the Wisconsin Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on Wisconsin Historical Society records, burial location, archeological context, oral histories, and skeletal analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 28 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the five objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains associated funerary objects and any present-day Indian Tribe.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Ho-Chunk Nation of Wisconsin; Menominee Indian Tribe of Wisconsin; Stockbridge Munsee Community, Wisconsin; and the Winnebago Tribe of Nebraska.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Ho-Chunk Nation of Wisconsin; Menominee Indian Tribe of Wisconsin; Stockbridge Munsee Community, Wisconsin; and the Winnebago Tribe of Nebraska.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org,* by May 21, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Ho-Chunk Nation of Wisconsin; Menominee Indian Tribe of Wisconsin; Stockbridge Munsee Community, Wisconsin; and the Winnebago Tribe of Nebraska may proceed.

The Wisconsin Historical Society is responsible for notifying the Forest County Potawatomi Community, Wisconsin; Ho-Chunk Nation of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Menominee Indian Tribe of Wisconsin; Stockbridge Munsee Community, Wisconsin; Upper Sioux Community, Minnesota; and the Winnebago Tribe of Nebraska that this notice has been published.

Dated: March 22, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–08183 Filed 4–18–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025294; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Wisconsin Historical Society, Madison, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Wisconsin Historical Society has completed an inventory of human remains in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Wisconsin Historical Society. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Wisconsin Historical Society at the address in this notice by May 21, 2018.

ADDRESSES: Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Wisconsin Historical Society, Madison, WI. The human remains were removed from the Ostergaard Burial Discovery in Vernon County, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Wisconsin Historical Society professional staff in consultation with representatives of the Forest County Potawatomi Community, Wisconsin; Ho-Chunk Nation of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Menominee Indian Tribe of Wisconsin; and Upper Sioux Community, Minnesota.

History and Description of the Remains

In 1991, human remains representing, at minimum, one individual were removed from Ostergaard Burial Discovery (47–VE–0967) in Vernon County, WI. Mr. Chris Hill discovered the human remains, later determined to represent one adult male, in a backdirt pile from a utility construction project at the home of the Ostergaard Family. Mr. Hill gave the human remains to the Mississippi Valley Archaeological Center, who contacted the Wisconsin Historical Society Burial Sites Preservation Office. When representatives from both institutions visited the site, they observed additional human remains were eroding out of tire ruts and a slope at the site. These human remains were left in place because the landowner did not permit excavation. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Wisconsin Historical Society

Officials of the Wisconsin Historical Society have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on Wisconsin Historical Society records, burial location, archeological context, oral histories, and skeletal analysis.

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.

• According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Ho-Chunk Nation of Wisconsin and the Winnebago Tribe of Nebraska.

• Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Ho-Chunk Nation of Wisconsin; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud

Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and Yankton Sioux Tribe of South Dakota (hereafter referred to as ''The Aboriginal Land Tribes'').

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Aboriginal Land Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org,* by May 21, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Aboriginal Land Tribes may proceed.

The Wisconsin Historical Society is responsible for notifying The Aboriginal Land Tribes; Forest County Potawatomi Community, Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; and Menominee Indian Tribe of Wisconsin that this notice has been published.

Dated: March 22, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–08181 Filed 4–18–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025295: PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Wisconsin Historical Society, Madison, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Wisconsin Historical Society has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Wisconsin Historical Society. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Wisconsin Historical Society at the address in this notice by May 21, 2018.

ADDRESSES: Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Wisconsin Historical Society, Madison, WI. The human remains and associated funerary objects were removed from the Pole Barn Site, Waukesha County, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Wisconsin Historical Society professional staff in consultation with representatives of the Forest County Potawatomi Community, Wisconsin; Ho-Chunk Nation of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Menominee Indian Tribe of Wisconsin; and Upper Sioux Community, Minnesota.

History and Description of the Remains

In 1992, human remains representing, at minimum, five individuals were removed from the Pole Barn Site (47–WK–0471) in Waukesha County, WI. The human remains were disturbed while digging a utility trench under a barn in the town of New Berlin. Diane Holiday along with other Wisconsin Historical Society Burial Sites Preservation Office staff and archeologists from University of Wisconsin-Milwaukee salvaged the remainder of the burial feature. Skeletal analysis conducted in 2014 determined that the human remains represent two adult males, one adult female, one infant, and one child. Six artifacts were discovered stored with the human remains during the 2014 skeletal analysis and were determined to be associated funerary objects because they were labeled as being associated with specific burials. No known individuals were identified. The six associated funerary objects are one antler tine, one group of worked avian bones, one group of unworked avian bones, one projectile point, one lithic flake, and one scrapper fragment.

Determinations Made by the Wisconsin Historical Society

Officials of the Wisconsin Historical Society have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on Wisconsin Historical Society records, burial location, archeological context, oral histories, and skeletal analysis.

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of five individuals of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(3)(A), the six objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains associated funerary objects and any present-day Indian Tribe.

• According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community,

Wisconsin; Hannahville Indian Community, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.); Pokagon Band of Potawatomi Indians, Michigan and Indiana; and the Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas) (hereafter referred to as ''The Adjudicated Aboriginal Land Tribes'').

• Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as the Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.); Ottawa Tribe of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas); Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; and the Turtle Mountain Band of Chippewa Indians of North Dakota (hereafter referred to as ''The Acknowledged Aboriginal Land Tribes'').

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to The Adjudicated Aboriginal Land Tribes and The Acknowledged Aboriginal Land Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org,* by May 21, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Aboriginal Land Tribes and The Additional Aboriginal Land Tribes may proceed.

The Wisconsin Historical Society is responsible for notifying The Aboriginal Land Tribes; The Additional Aboriginal Land Tribes; Ho-Chunk Nation of Wisconsin; Menominee Indian Tribe of Wisconsin; and Upper Sioux Community, Minnesota, that this notice has been published.

Dated: March 22, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–08182 Filed 4–18–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025312; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Sam Noble Oklahoma Museum of Natural History, Norman, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Sam Noble Oklahoma Museum of Natural History (Museum) at the University of Oklahoma has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organization, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Museum. If no additional requesters come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Sam Noble Oklahoma Museum of Natural History at the address in this notice by May 21, 2018.

ADDRESSES: Dr. Marc Levine, Assistant Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, telephone (405) 325–1994, email *mlevine@ou.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Sam Noble Oklahoma Museum of Natural History. The human remains and associated funerary objects were removed from Sequoyah, OK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Sam Noble Oklahoma Museum of Natural History professional staff in consultation with representatives of the Cherokee Nation and United Keetoowah Band of Cherokee Indians in Oklahoma.

History and Description of the Remains

In 1979, human remains representing, at minimum, one individual were removed from the Blackbird House Site (34Sq0119) in Sequoyah County, OK. The site was recorded by the Oklahoma Archaeological Survey and the collection was transferred to the Museum in 1981. The human remains consist of a single right clavicle of an

adult of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

The Blackbird House Site is a historic Cherokee site located within lands reserved for the Cherokee. Historical documents, Cherokee oral history, and the presence of European goods support the determination that the area was occupied by the Cherokee during the nineteenth century.

Determinations Made by the Sam Noble Oklahoma Museum of Natural History

Officials of the Sam Noble Oklahoma Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Cherokee Nation and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Marc Levine, Assistant Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072–7029, telephone (405) 325–1994, email *mlevine@ou.edu* by May 21, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Cherokee Nation and United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

The Sam Noble Oklahoma Museum of Natural History is responsible for notifying the United Keetoowah Band of Cherokee Indians in Oklahoma and the Cherokee Nation that this notice has been published.

Dated: March 26, 2018.

Melanie O'Brien, Manager,

National NAGPRA Program.

[FR Doc. 2018–08185 Filed 4–18–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–25290; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Wisconsin Historical Society, Madison, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Wisconsin Historical Society has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Wisconsin Historical Society. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Wisconsin Historical Society at the address in this notice by May 21, 2018.

ADDRESSES: Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Wisconsin Historical Society, Madison, WI. The human remains and associated funerary objects were removed from Dane, Richland, and Sauk Counties, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Wisconsin Historical Society professional staff in consultation with representatives of the Forest County Potawatomi Community, Wisconsin; Ho-Chunk Nation of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Menominee Indian Tribe of Wisconsin; and Upper Sioux Community, Minnesota.

History and Description of the Remains

In 1958, human remains representing, at minimum, one individual were removed from Blackhawk Country Club (47–DA–0131) in Dane County, WI. The human remains were excavated from pit fill by Warren Wittry of the Wisconsin Historical Society (WHS) from the panther mound, which he referred to as the ''Mayland Mound,'' named after the then-landowner. The human remains were found in the collections in 2013, were originally cataloged as faunal bones, and are too fragmentary to determine age or sex. No known individuals were identified. The four associated funerary objects are one chert flake, two seed fragments, and a soil sample.

Between 1960 and 1961, human remains representing, at minimum, 132 individuals were removed from the Price III (47–RI–0004) in Richland County, WI. The site was investigated during the 1960–1961 Highway 60 relocation project as the area was slated for destruction. The Wisconsin Historical Society led the investigations under a cooperative agreement with the Wisconsin Highway Commission. A total of 26 features were exposed, 22 of which were burial features. Of the remaining four features, three may have been burial pits that were destroyed from previous plowing activity, but no materials of any kind were recovered from them. The human remains recovered from the 22 burial pits represent 33 adult males, 10 adult females, 43 adults of indeterminate sex, 30 juveniles of indeterminate sex, 6 infants, and 10 individuals of indeterminate age and sex. No known individuals were identified. The 27 associated funerary objects are five projectile points, two bone awls, one copper fish hook, one perforated bear canine, ten groups of tool debitage, three

groups of stone samples, three biface fragments, one ceramic sherd, and one stone scrapper.

At an unknown date, human remains representing, at minimum, one individual were removed from Neefe Mounds (47–RI–0059) in Richland County, WI. The site was first reported to the Wisconsin Historical Society by T. Orion in 1907, who observed two conical mounds that were under cultivation. Human remains representing one adult male from an unknown location within the site were donated to the Wisconsin Historical Society by a Mr. Sheldon Bartel at an unknown date. No known individuals were identified. The one associated funerary object is a group of daub fragments.

In 1977, human remains representing, at minimum, seven individuals were removed from the Rehbein I Site (47–RI–0081) in Richland County, WI. Excavations took place at the site in 1977 and included investigation of Mounds 1–6. The majority of the human remains recovered were reinterred under the reconstructed mounds. For an unknown reason, human remains representing six adults of indeterminate sex and one infant were excluded from reburial and are in the possession of the Wisconsin Historical Society. No known individuals were identified. The seven associated funerary objects are one ceramic vessel, two groups of ceramic sherds, three mussel shells, and one group of bark fragments.

In 1960, human remains representing, at minimum, three individuals were removed from Sobek Mounds (47–RI–0001) in Richland County, WI. The site was investigated by the Wisconsin Historical Society in cooperation with the Department of Transportation. Three of the mounds (Mounds 1–3) were located in the right-of-way for the relocation of Highway 60 and would be destroyed. The Wisconsin Historical Society placed a center-line trench through each mound and recovered human remains representing an adult female and an adult male from Mound 1 and an adult female from Mound 3. During an inventory of the collections from the site in 2007, additional human remains were found from a plowzone context. The human remains from the plowzone are too fragmentary to affect the MNI for the site. No known individuals were identified. The 23 associated funerary objects are one quartzite hammerstone, one fragment of hematite, twelve groups of chert debitage, one chert biface, three charcoal fragments, two ceramic sherds, and three groups of sandstone fragments.

In 1955 and 1957, human remains representing, at minimum, one individual were removed from Raddatz Rockshelter (47–SK–0005) in Sauk County, WI. The site was investigated by Warren Wittry of the Wisconsin Historical Society in 1955 and 1957 in order to gain a better understanding of the chronological depth of prehistoric occupation in Wisconsin. His excavations covered a 675 square foot area that he estimated represented 75 percent of the rockshelter. In 2012, all of the artifacts from the site were reinventoried by the Wisconsin Historical Society and human remains were identified. Skeletal analysis in 2016 determined the human remains represent a juvenile of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Wisconsin Historical Society

Officials of the Wisconsin Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on Wisconsin Historical Society records, burial location, archeological context, oral histories, and skeletal analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 145 individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 62 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Ho-Chunk Nation of Wisconsin and the Winnebago Tribe of Nebraska.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Ho-Chunk Nation of Wisconsin and the Winnebago Tribe of Nebraska.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to the Ho-Chunk Nation of Wisconsin and the Winnebago Tribe of Nebraska.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org,* by May 21, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Ho-Chunk Nation of Wisconsin and the Winnebago Tribe of Nebraska may proceed.

The Wisconsin Historical Society is responsible for notifying the Forest County Potawatomi Community, Wisconsin; Ho-Chunk Nation of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Menominee Indian Tribe of Wisconsin; Upper Sioux Community, Minnesota; and the Winnebago Tribe of Nebraska that this notice has been published.

Dated: March 22, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–08177 Filed 4–18–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA- NPS0025357; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Thomas Burke Memorial Washington State Museum (Burke Museum) has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit

a written request to the Burke Museum. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Burke Museum at the address in this notice by May 21, 2018.

ADDRESSES: Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849, email *plape@uw.edu*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Burke Museum, University of Washington, Seattle, WA. The human remains were removed from the Aleutian Islands, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Burke Museum professional staff in consultation with representatives of the Agdaagux Tribe of King Cove; Native Village of Akutan; Native Village of Atka; Native Village of Belkofski; Native Village of False Pass; Native Village of Nelson Lagoon; Native Village of Nikolski; Native Village of Unga; Pauloff Harbor Village; Qagan Tayagungin Tribe of Sand Point Village; Qawalangin Tribe of Unalaska; and Pribilof Islands Aleut Communities of St. Paul and St. George Islands, hereafter known as ''The Tribes and Native Villages of the Aleutian Islands.''

History and Description of the Remains

At an unknown date prior to 1973, human remains representing, at minimum, one individual were removed from an unknown location in the Aleutian Islands, AK. The human remains were found in collections at the Burke Museum in 1973 (Burke Accn. #1973–58) in a box labeled ''Aleutian Skull, R.C. Barnard.'' While the label on the box indicates the contents were donated by R. C. Barnard, no donor record exists at the Burke Museum's records for that name. No known individuals were identified. No funerary objects are present.

This individual has been determined to be Native American based on geographical and biological information. Archeological and biological information suggest continuity between past populations and modern Native populations in the Aleutian Islands. The archeological record indicates over 4,500 years of cultural continuity on the Aleutian Islands with unbroken sequences in midden sites (McCartney, 1984). During the 1700s, after contact with the Russians, Unangax/Aleut populations began to decline and by the late 1700s and early 1800s most Unangax/Aleut had relocated, or been removed, to the modern Native Villages. A relationship of shared group identity can reasonably be traced between the human remains and the modern day descendants of the Unangax/Aleut, who are represented by The Tribes and Native Villages of the Aleutian Islands.

Determinations Made by the Burke Museum

Officials of the Burke Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Tribes and Native Villages of the Aleutian Islands.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849 Ext 2, email *plape@uw.edu,* by May 21, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes and Native Villages of the Aleutian Islands may proceed.

The Burke Museum is responsible for notifying The Tribes and Native Villages of the Aleutian Islands that this notice has been published.

Dated: April 2, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–08184 Filed 4–18–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025292; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Wisconsin Historical Society, Madison, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Wisconsin Historical Society has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Wisconsin Historical Society. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Wisconsin Historical Society at the address in this notice by May 21, 2018.

ADDRESSES: Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinshistory.org*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Wisconsin Historical Society, Madison, WI. The human remains were removed from two sites in La Crosse County, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d).

The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Wisconsin Historical Society professional staff in consultation with representatives of the Forest County Potawatomi Community, Wisconsin; Ho-Chunk Nation of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Menominee Indian Tribe of Wisconsin; and Upper Sioux Community, Minnesota.

History and Description of the Remains

In 1979, human remains representing, at minimum, one individual were removed from the Schaper Site (47–LC–0039) in La Crosse County, WI. The Wisconsin Historical Society conducted investigations at the site during a highway surface survey project that was part of a Wisconsin Department of Transportation Cooperative Agreement. The WHS crew found that the highway bisected one of the site's two mounds. Eroding from the cut bank of this mound they found human remains representing one juvenile individual of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

Between 1969 and 1989, human remains representing, at minimum, two individuals were removed from the Krause Site (47–LC–0041) in La Crosse County, WI. The human remains were donated by the Mississippi Valley Archaeology Center (MVAC) in 1989 to the Wisconsin Burial Sites Preservation Office. MVAC reported the human remains as being collected over several years from different locations within the site. MVAC collected human remains in 1982 and again in 1989 during surface surveys of plowed fields, and additional human remains were donated to MVAC by local landowners and collectors who had collected human remains in 1969 and 1989. Skeletal analysis in 2015 determined that the human remains represent two individuals of indeterminate age and sex. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Wisconsin Historical Society

Officials of the Wisconsin Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on Wisconsin Historical Society records, burial location, archeological context, oral histories, and skeletal analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Ho-Chunk Nation of Wisconsin; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Upper Sioux Community, Minnesota; Winnebago Tribe of Nebraska; and Yankton Sioux Tribe of South Dakota (hereafter referred to as ''The Aboriginal Land Tribes'').
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Aboriginal Land Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org,* by May 21, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Aboriginal Land Tribes may proceed.

The Wisconsin Historical Society is responsible for notifying The Aboriginal Land Tribes; Forest County Potawatomi Community, Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; and Menominee Indian Tribe of Wisconsin that this notice has been published.

Dated: March 22, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–08179 Filed 4–18–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025291; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Wisconsin Historical Society, Madison, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Wisconsin Historical Society has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Wisconsin Historical Society. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Wisconsin Historical Society at the address in this notice by May 21, 2018.

ADDRESSES: Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the

Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Wisconsin Historical Society, Madison, WI. The human remains were removed from the Sax of Fax site, Fond du Lac County, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Wisconsin Historical Society professional staff in consultation with representatives of the Forest County Potawatomi Community, Wisconsin; Ho-Chunk Nation of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Menominee Indian Tribe of Wisconsin; and Upper Sioux Community, Minnesota.

History and Description of the Remains

In 1990, human remains representing, at minimum, one individual were removed from the Sax of Fax site (47–FD–0261) in Sawyer County, WI. The human remains were brought to the Wisconsin Historical Society's Burial Sites Preservation Office (BSPO) by Lynn Rusch in 1990. The human remains had reportedly been unearthed in a plowed field by a tenant farmer on the farm of Robert Abraham. Diane Holliday of the BSPO, along with an officer of the Fond du Lac County Sheriff's Department, visited the site and discovered additional human skeletal fragments. Skeletal analysis conducted in 2005 determined that the human remains represent an elderly adult, probably female. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Wisconsin Historical Society

Officials of the Wisconsin Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on Wisconsin Historical Society records, burial location, oral histories, and skeletal analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as the Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.); Ottawa Tribe of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band of Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Turtle Mountain Band of Chippewa Indians of North Dakota; and the Winnebago Tribe of Nebraska (hereafter referred to as ''The Aboriginal Land Tribes'').
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Aboriginal Land Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Jennifer Kolb, Wisconsin Historical Society, 816 State Street, Madison, WI 53706, telephone (608) 264–6434, email *Jennifer.Kolb@wisconsinhistory.org,* by May 21, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Aboriginal Land Tribes may proceed.

The Wisconsin Historical Society is responsible for notifying The Aboriginal Land Tribes; Forest County Potawatomi Community, Wisconsin; and the Upper Sioux Community, Minnesota that this notice has been published.

Dated: March 22, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–08178 Filed 4–18–18; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–893 (Third Review)]

Honey From China

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the antidumping duty order on honey from China would be likely to lead to the continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission, pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)), instituted this review on November 1, 2017 (82 FR 50683) and determined on February 5, 2018 that it would conduct an expedited review (83 FR 11562, March 15, 2018).[3]

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Jason E. Kearns did not participate.

[3] Vice Chairman David S. Johanson voted to conduct a full review in light of the time that transpired since the Commission last conducted a full investigation in this matter.

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on April 16, 2018. The views of the Commission are contained in USITC Publication 4776 (April 2018), entitled *Honey from China: Investigation No. 731–TA–893 (Third Review).*

By order of the Commission.

Issued: April 16, 2018.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2018–08220 Filed 4–18–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–739 (Fourth Review)]

Clad Steel Plate From Japan; Notice of Commission Determination To Conduct a Full Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with a full review pursuant to the Tariff Act of 1930 to determine whether revocation of the antidumping duty order on clad steel plate from Japan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the review will be established and announced at a later date.

DATES: April 9, 2018.

FOR FURTHER INFORMATION CONTACT: Drew Dushkes (202–205–3229), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUMMARY: On April 9, 2018, the Commission determined that it should proceed to a full review in the subject five-year review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). The Commission found that the domestic interested party group response to its notice of institution (83 FR 148, January 2, 2018) was adequate, and that the respondent interested party group response was inadequate. The Commission also found that other circumstances warranted conducting a full review.[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: April 13, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–08160 Filed 4–18–18; 8:45 am]

BILLING CODE 7020–02–P

[1] Commissioner Irving A. Williamson voted to conduct an expedited review. Commissioner Jason E. Kearns did not participate.

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–486 and 731–TA–1195–1196 (Review)]

Utility Scale Wind Towers From China and Vietnam; Notice of Commission Determination To Conduct Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to the Tariff Act of 1930 to determine whether revocation of the countervailing duty order on utility scale wind towers from China and the antidumping duty orders on utility scale wind towers from China and Vietnam would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date.

DATES: April 9, 2018.

FOR FURTHER INFORMATION CONTACT: Calvin Chang (202–205–3062), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUPPLEMENTARY INFORMATION: On April 9, 2018, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). The Commission found that the domestic interested party group response to its notice of institution (83 FR 142, January 2, 2018) was adequate. The Commission found that the respondent interested party group responses were inadequate. The Commission also found that other circumstances warranted conducting full reviews.[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: April 16, 2018.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2018–08203 Filed 4–18–18; 8:45 am]

BILLING CODE 7020–02–P

[1] Chairman Rhonda K. Schmidtlein and Commissioner Irving A. Williamson voted to conduct expedited reviews. Commissioner Jason E. Kearns did not participate.

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1347–1348 (Final)]

Biodiesel From Argentina and Indonesia

Determination

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of biodiesel from Argentina and Indonesia that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'').[2] [3]

Background

The Commission, pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)), instituted these investigations effective March 23, 2017, following receipt of a petition filed with the Commission and Commerce by the National Biodiesel Board Fair Trade Coalition, Washington DC. The Commission held a public hearing in Washington, DC, on November 9, 2017, and all persons who requested the opportunity were permitted to appear in person or by counsel. Following notification of final determinations by Commerce that imports of biodiesel from Argentina and Indonesia were being sold at LTFV within the meaning of section 735(b) of the Act (19 U.S.C. 1673d(a)), notice of the scheduling of the final phase of the Commission's antidumping duty investigations was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 12, 2018 (83 FR 10747).

The Commission made these determinations pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on April 16, 2018. The views of the Commission are contained in USITC Publication 4775 (April 2018), entitled *Biodiesel from Argentina and Indonesia: Investigation Nos. 731–TA–1347–1348 (Final).*

By order of the Commission.

Issued: April 16, 2018.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2018–08232 Filed 4–18–18; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Jason E. Kearns did not participate in these investigations.

[3] The Commission also finds that imports subject to Commerce's affirmative critical circumstances determination are not likely to undermine seriously the remedial effect of the antidumping duty order on biodiesel from Argentina.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0747]

Blasting and the Use of Explosives; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork Requirements)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Standard on Blasting and the Use of Explosives.

DATES: Comments must be submitted (postmarked, sent, or received) by June 18, 2018.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2011–0747, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., E.T.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA–2011–0747) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the number below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Charles McCormick or Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, telephone: (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The Standard on Blasting and the Use of Explosives (29 CFR part 1926, subpart

U) specifies a number of paperwork requirements. The following is a brief description of the collection of information requirements contained in the Subpart.

General Provisions (§ 1926.900)

§ 1926.900(d)—Paragraph (d) states that employers must ensure that explosives not in use are kept in a locked magazine, unavailable to persons not authorized to handle explosives. The employers must maintain an inventory and use record of all explosives—in use and not in use. In addition, the employer must notify the appropriate authorities in the event of any loss, theft, or unauthorized entry into a magazine.

§ 1926.900(k)(3)(i)—Paragraph (k)(3)(i) requires employers to display adequate signs warning against the use of mobile radio transmitters on all roads within 1,000 feet of blasting operations to prevent the accidental discharge of electric blasting caps caused by current induced by radar, radio transmitters, lighting, adjacent power lines, dust storms, or other sources of extraneous electricity. The employer must certify and maintain a record of alternative provisions made to adequately prevent any premature firing of electric blasting caps.

§ 1926.900(o)—Employers must notify the operators and/or owners of overhead power lines, communication lines, utility lines, or other services and structures when blasting operations will take place in proximity to those lines, services, or structures.

§ 1926.903(d)—The employer must notify the hoist operator prior to transporting explosives or blasting agents in a shaft conveyance.

§ 1926.903(e)—Employers must perform weekly inspections on the electrical system of trucks used for underground transportation of explosives. The weekly inspection is to detect any failure in the system which would constitute an electrical hazard. The most recent certification of inspection must be maintained and must include the date of inspection, a serial number or other identifier of the truck inspected, and the signature of the person who performed the inspection.

§ 1926.905(t)—The employer blaster must maintain an accurate and up-to-date record of explosives, blasting agents, and blasting supplies used in a blast. The employer must also maintain an accurate running inventory of all explosives and blasting agents stored on the operation.

§ 1926.909(a)—Employers must post a code of blasting agents on one or more conspicuous places at the operation. All employees also shall familiarize themselves with the code and conform to it at all times. Danger signs warning of blasting agents shall also be placed at suitable locations.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

The Agency is requesting to maintain its current burden hours of 1,666.

Type of Review: Extension of a currently approved collection.

Title: Blasting and the Use of Explosives (29 CFR part 1926, subpart U).

OMB Control Number: 1218–0217.

Affected Public: Businesses or other for-profits.

Number of Respondents: 201.

Number of Responses: 818.

Frequency of Responses: On occasion.

Average Time per Response: Various.

Estimated Total Burden Hours: 1,666.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2011–0747). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information, such as social security number and dates of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available through the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on April 16, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–08236 Filed 4–18–18; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2012–0017]

Reports of Injuries to Employees Operating Mechanical Power Presses; Extension of the Office of Management and Budget's (OMB) Approval of an Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend OMB approval of the information collection requirement contained in the Standard on Reports of Injuries to Employees Operating Mechanical Power Presses.

DATES: Comments must be submitted (postmarked, sent, or received) by June 18, 2018.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2012–0017, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA–2012–0017) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the number below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Charles McCormick, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

In the event that a worker is injured while operating a mechanical power press, 29 CFR 1910.217(g) requires the employer to report, within 30 days of the occurrence, all point-of-operation injuries to the operators or other employees to either the Director of the Directorate of Standards and Guidance at OSHA, U.S. Department of Labor, Washington, DC 20210 or electronically at *http://www.osha.gov/pls/oshaweb/mechanical.html*; or to the State Agency administering a plan approved by the Assistant Secretary of Labor for Occupational Safety and Health. This information includes the employer's and worker's name(s), workplace address and location; injury sustained; task being performed when the injury occurred; number of operators required for the operation and the number of operators provided with controls and safeguards; cause of the incident; type of clutch, safeguard(s), and feeding method(s) used; and means used to actuate the press stroke. These reports are a source of up-to-date information on power press machines. Specifically, this information identifies the equipment used and conditions associated with these injuries.

OSHA's Mechanical Power Press injury reporting requirement at 1910.217(g) is a separate injury reporting requirement from OSHA's severe injury reporting requirements which are part of 1904.39. Under 1904.39, employers must, within 24 hours, report to OSHA any work-related injury requiring hospitalization as well as work-related incidents resulting in an amputation or loss of an eye. The Mechanical Power Press Standard requires employers to report all injuries involving operation of a power press to OSHA or an appropriate state agency within 30 days. Injuries that must be reported under 1910.217(g) include those that are also reportable under 1904.39 as well as those that are recordable under the recordkeeping standard (29 CFR 1904).

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply. For example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirement contained in the Standard on Reports of Injuries to Employees Operating Mechanical Power Presses (29 CFR 1910.217(g)). There are no adjustments or program changes

associated with this ICR. The Agency requests that it retain its previous estimate of 400 burden hours.

Type of Review: Extension of a currently approved collection.

Title: Reports of Injuries to Employees Operating Mechanical Power Presses (29 CFR 1910.217(g)).

OMB Control Number: 1218–0070.

Affected Public: Business or other for-profits.

Number of Respondents: 1,200.

Frequency of Responses: On occasion.

Average Time per Response: Various.

Estimated Total Burden Hours: 400.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2012–0017). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, TTY (877) 889–5627.

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as their social security number and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website.

All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on April 13, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–08222 Filed 4–18–18; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0185 and NRC–2014–0005]

Program-Specific Guidance About Irradiator Licenses and Program-Specific Guidance About Academic, Research and Development, and Other Licenses of Limited Scope, Including Electron Capture Devices and X-Ray Fluorescence Analyzers

AGENCY: Nuclear Regulatory Commission.

ACTION: NUREG; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued Revision 1 to NUREG–1556, Volume 6, ''Consolidated Guidance about Materials Licenses: Program-Specific Guidance About 10 CFR part 36 Irradiator Licenses,'' and Volume 7, ''Consolidated Guidance about Materials Licenses: Program-Specific Guidance About Academic, Research and Development, and Other Licenses of Limited Scope, Including Electron Capture Devices and X-Ray Fluorescence Analyzers.'' NUREG–1556 Volumes 6 and 7 have been revised to include information on updated regulatory requirements, safety culture, security of radioactive materials, protection of sensitive information, and changes in regulatory policies and practices. These volumes are intended for use by applicants, licensees, and the NRC staff.

DATES: NUREG 1556, Volume 6, Revision 1, was published in January, 2018, and Volume 7, Revision 1, was published in February, 2018.

ADDRESSES: Please refer to Docket ID NRC 2013–0185 (Volume 6, Revision 1) and NRC–2014–0005 (Volume 7, Revision 1) when contacting the NRC about the availability of information regarding these documents. You may obtain publicly-available information related to these documents using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0185 or NRC–2014–0005. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* NUREG–1556, Volumes 6 and 7, Revision 1, are located at ADAMS Accession Numbers ML18026A698 and ML18065A006, respectively. These documents are also available on the NRC's public website at *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/* under ''Consolidated Guidance About Materials Licenses (NUREG–1556).''
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Anthony McMurtray, Office of Nuclear Material Safety and Safeguards; U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2746; email: *Anthony.McMurtray@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC issued revisions to NUREG–1556, Volumes 6 and 7, to provide guidance to existing materials licensees covered under these types of licenses and to applicants preparing an application for one of these types of materials licenses. These NUREG volumes also provide the NRC staff with criteria for evaluating these types of license applications. The purpose of this notice is to notify the public that the

NUREG–1556 volumes listed in this **Federal Register** notice were issued as final reports.

II. Additional Information

The NRC published notices of the availability of the draft report for comment versions of NUREG–1556, Volume 6, Revision 1 in the **Federal Register** on August 30, 2013 (78 FR 53791) and Volume 7, Revision 1 in the **Federal Register** on January 27, 2014 (79 FR 4361). Both of these volumes were published for a 30-day public comment period. The public comment period closed for Volume 6 on September 30, 2013 and for Volume 7 on February 26, 2014. Public comments and the NRC staff responses to the public comments for NUREG–1556, Volume 6, Revision 1 are available under ADAMS Accession No. ML16103A250. Public comments and the NRC staff responses to the public comments for NUREG–1556, Volume 7, Revision 1 are available under ADAMS Accession No. ML16308A182.

III. Congressional Review Act

These NUREG volumes are rules as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found these NUREG revisions to be major rules as defined in the Congressional Review Act.

Dated at Rockville, Maryland, this 13th day of April, 2018.

For the Nuclear Regulatory Commission.

Kevin Williams,

Acting Director, Division of Materials Safety, Security, State and Tribal Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2018–08190 Filed 4–18–18; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2018–204]

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 20, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2018–204; *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 12, 2018; *Filing Authority:* 39 CFR 3015.50; *Public Representative:* Christopher C. Mohr; *Comments Due:* April 20, 2018.

This Notice will be published in the **Federal Register**.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2018–08148 Filed 4–18–18; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83051; File No. SR–ISE–2018–32]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Codify Within Rule 718 the Data Feeds on ISE

April 13, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 4, 2018, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to a proposed rule change to codify within Rule 718, which rule is currently reserved, the data feeds that are currently offered on ISE.

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to codify within Rule 718, which rule is currently reserved, the data feeds that are currently offered on ISE and previously described in prior rule changes as described in more detail below. The Exchange proposes to rename Rule 718 ''Data Feeds'' and list the various data feed offerings within that rule.

The Exchange has previously filed a rule change which describes the various data offerings.[3] The data offerings contained in that rule change included: Nasdaq ISE Real-time Depth of Market Raw Data Feed (''Depth of Market Feed''), the Nasdaq ISE Order Feed (''Order Feed''), the Nasdaq ISE Top Quote Feed (''Top Quote Feed''), the Nasdaq ISE Trades Feed (''Trades Feed''), and the Nasdaq ISE Spread Feed (''Spread Feed''). Each of the data offerings are described in more detail below.

Universal Changes

The Exchange notes it proposes various universal amendments to its data feeds for consistency and clarity. References to ''instrument'' will be replaced by the more specific language ''options series.'' Where the Exchange previously referred to ''trading status'' those words will be replaced with language which specifically explains the information for status, which is, ''whether the option series is available for trading on ISE and identifies if the series is available for closing transactions only.'' The word ''customer'' will be replaced with the defined term ''Priority Customer.''[4] References to the word ''cumulative,'' when referring to volume, will be replaced with more specific language namely, ''daily trading,'' to refer to the volume. These aforementioned amendments are made, where applicable, within the data feeds described below in more detail. Finally, the Exchange is adding language in Rule 718(a) to make clear that the data feeds pertain to ISE trading information.

Depth of Market Feed

In a Prior Filing the Exchange described the Depth Feed as providing aggregate quotes and orders at the top five price levels on the Exchange, and provides subscribers with a consolidated view of tradable prices beyond the BBO, showing additional liquidity and enhancing transparency for ISE traded options. The data provided for each instrument includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and trading status. In addition, subscribers are provided with total quantity, customer quantity, price, and side (*i.e.,* bid/ask). This information is provided for each of the five indicated price levels on the Depth Feed. The feed also provides participants of imbalances on opening/reopening.

In codifying the feed description, the Exchange proposes a few amendments to the description in the Prior Filing in addition to the universal changes mentioned above. For the Depth of Market Feed, the Exchange is removing the words ''''Real-time'' and ''Raw'' because all the feeds are real-time and contain raw data. Removing these words conforms the language of all the feeds. The Exchange proposes to replace ''Exchange'' with ''ISE'' for clarity. Also, the Exchange is expanding the description of total quantity to ''total aggregate quantity'' including Public Customer[5] aggregate quantity and Priority Customer aggregate quantity. The Exchange is amending a description of the imbalances on opening/reopening to note the imbalances are order and not participant imbalances. Finally a typographical error is being amended in the last sentence of this data feed to remove an extraneous ''of'' in the sentence.

Order Feed

In a Prior Filing the Exchange described the Order Feed as providing information on new orders resting on the book. In addition, the feed also announces auctions. The data provided for each instrument includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and trading status. The feed also provides participants of imbalances on opening/reopening.

In codifying the feed description, the Exchange proposes a few amendments to the description in the Prior Filing in addition to the universal changes mentioned above. The Exchange is amending the order feed to include the word ''all'' before auctions to make clear all auction information is included. The Exchange is adding examples of the information provided on new orders resting on the book, *e.g.* price, quantity and *market participant* capacity. The words ''market participant'' are intended to make clear which capacity is referred to for the information. The Exchange is amending a description of the imbalances on opening/reopening to note the imbalances are order and not participant imbalances. Also, a typographical error is being amended in the last sentence of this data feed to remove an extraneous ''of'' in the sentence.

Top Quote Feed

In a Prior Filing the Exchange described the Top Quote Feed as one that calculates and disseminates its best bid and offer position, with aggregated size (Total & Customer), based on displayable order and quote interest in the options market system. The feed also provides last trade information along with opening price, cumulative volume, high and low prices for the day. The data provided for each instrument includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and trading status.

In codifying the feed description, the Exchange proposes a few amendments to the description in the Prior Filing in addition to the universal changes mentioned above. The Exchange proposes to amend the Top Quote Feed to make clear that aggregated size included total size, Public Customer size in the aggregate and also Priority Customer size in the aggregate. The Exchange is replacing the term ''options market system'' with the defined term

[3] *See* Securities Exchange Act Release No. 81095 (July 7, 2017), 82 FR 32409 (July 13, 2017) (SR–ISE–2017–62) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Ports and Gateways That Members Use To Connect to the Exchange)(''Prior Filing'').

[4] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* ISE Rule 100(a)(41A).

[5] The term ''Public Customer'' means a person or entity that is not a broker or dealer in securities. *See* Rule 100(a)(42).

''System.'' [6] The Exchange also proposes to add a sentence, similar to the Depth of Market Feed and Order Feed which provides ''The feed also provides order imbalances on opening/reopening.'' This sentence should have been included with this feed as well. The universal changes described above apply as well.

Trades Feed

In a Prior Filing the Exchange described the Trades Feed as displaying last trade information along with opening price, cumulative volume, high and low prices for the day. The data provided for each instrument includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and trading status.

The Exchange is only amending the description of the Trades Feed as described in the universal changes.

Spread Feed

In a Prior Filing the Exchange described the Spread Feed as a real-time feed that consists of options quotes and orders for all Complex Orders (*i.e.,* spreads, buy-writes, delta neutral strategies, etc.) aggregated at the top price level on both the bid and offer side of the market as well as all aggregated quotes and orders for complex orders at the top five price levels on both the bid and offer side of the market. In addition, the Spread Feed provides real-time updates every time a new complex limit order that is not immediately executable at the BBO is placed on the ISE complex order book. The Spread Feed shows aggregate bid/ask quote size for Customer and Professional Customer option orders for ISE traded options.

In codifying the Trades Feed description, the Exchange proposes a few amendments to the description in the Prior Filing in addition to the universal changes mentioned above. The Exchange is also removing a reference to ''real-time'' as not necessary. The Exchange is also capitalizing the term ''Complex Order,'' which is a defined term.[7] The Exchange is also amending the sentence which currently provides, ''Nasdaq ISE Spread is a real-time feed that consists of options quotes and orders for all Complex Orders (*i.e.,* spreads, buy-writes, delta neutral strategies, etc.) aggregated at the top price level on both the bid and offer side of the market as well as all aggregated quotes and orders for complex orders at the top five price levels on both the bid and offer side of the market.'' The Exchange proposes to provide, ''Nasdaq ISE Spread Feed (''Spread Feed'') is a feed that consists of options quotes and orders for all Complex Orders (*i.e.,* spreads, buy-writes, delta neutral strategies, etc.) aggregated at the top five price levels (BBO) on both the bid and offer side of the market as well as last trades information.'' The Exchange believes that the proposed sentence is clear with respect to the fact that the data takes into account the top five price levels or ''BBO.'' The Exchange is adding ''last trades information'' to make clear that the execution information is contained in this data feed as well. Finally, the Exchange is making clear that the Spread Feed shows bid/ask quote size for Public Customer and Priority Customer option orders for ISE traded options. The universal changes described above apply as well.

The Exchange notes that market participants are charged for subscriptions to these products.[8] The Exchange believes that codifying these data feeds within the Exchange's Rulebook will bring greater transparency to its Rules as well as the data which is available on the Exchange. The amendments are also intended to provide greater clarity and transparency concerning the data offerings.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[9] in general, and furthers the objectives of Section 6(b)(5) of the Act,[10] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest. By codifying the various data feed offerings, which have already been filed for in another rule change,[11] will bring greater transparency to the Exchange's Rules. Also, the content of each data feed is described within the Rule for ease of reference. The Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest as it provides information relating to the data available on the Exchange for the benefit of its Members within its Rules and adds greater transparency to these offerings. Finally, the amendments seeks to add greater clarity to the data offerings and conform the text of the offerings.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[12] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The data feed offerings are available to any market participant. The Exchange's proposal seeks to codify the data offerings in a rule for ease of reference and transparency within the Rulebook. The amendments seeks to add greater clarity to the data offerings and conform the text of the offerings.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [13] and subparagraph (f)(6) of Rule 19b–4 thereunder.[14]

A proposed rule change filed under Rule 19b–4(f)(6) [15] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [16] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public

[6] *See* Rule 100(a)(53).

[7] A complex order is any order involving the simultaneous purchase and/or sale of two or more different options series in the same underlying security, for the same account, in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) and for the purpose of executing a particular investment strategy. *See* ISE Rule 722(a)(1).

[8] *See* Schedule of Fees, Section VIII, Market Data.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *See* note 3 above.

[12] 15 U.S.C. 78f(b)(8).

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiving the operative delay will allow it to immediately reflect the Exchange's data feed offerings within its Rules and bring greater transparency to these data feed offerings. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change as operative upon filing.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–2018–32 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2018–32. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2018–32 and should be submitted on or before May 10, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–08158 Filed 4–18–18; 8:45 am]

BILLING CODE 8011–01–P

[17] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83045; File No. SR–BX–2018–011]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Transaction Fees at Rule 7018

April 13, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on April 2, 2018, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's transaction fees at Rule 7018 to reduce the credit for a Retail Order that accesses liquidity provided by a Retail Price Improvement Order.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's transaction fees at Rule 7018 to reduce the credit for a Retail Order that accesses liquidity provided by a Retail Price Improvement Order in connection with the Retail Price Improvement Program (''Program'').

Under the RPI Program, a member (or a division thereof) approved by the Exchange to participate in the Program (a ''Retail Member Organization'' or ''RMO'') may submit designated ''Retail Orders''[3] for the purpose of seeking price improvement. All BX members may enter retail price improving orders (''RPI Orders''),[4] a form of non-

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A Retail Order is defined, in part, as ''an agency Order, or riskless principal Order that satisfies the criteria of FINRA Rule 5320.03. The Retail Order must reflect trading interest of a natural person with no change made to the terms of the underlying order of the natural person with respect to price (except in the case of a market order that is changed to a marketable limit order) or side of market and that does not originate from a trading algorithm or any other computerized methodology.'' *See* BX Rules 4702(b)(6); 4780(a)(2).

[4] A Retail Price Improvement Order is defined, in part, as ''an Order Type with a Non-Display Order

displayed orders that are priced more aggressively than the Protected National Best Bid or Offer (''NBBO'') by at least $0.001 per share, for the purpose of offering such price improvement. RMOs may use two types of Retail Orders. A Type 1 Retail Order is eligible to execute only against RPI Orders and other orders on the Exchange Book (such as midpoint pegged orders) with a price that is (i) equal to or better than the price of the Type-1 Retail Order and (ii) at least $0.001 better than the NBBO. A Type-1 Retail Order is not Routable and will thereafter be cancelled. Type 2 Retail Orders interact first with available RPI Orders and any other Orders on the Exchange Book with a price that is (i) equal to or better than the price of the Type-2 Retail Order and (ii) at least $0.001 better than the NBBO and will then attempt to execute against any other Order on the Exchange Book with a price that is equal to or better than the price of the Type-2 Retail Order, unless such executions would trade through a Protected Quotation. A Type-2 Retail Order may be designated as Routable.

Currently, the Exchange provides a credit of $0.0025 per share executed for a Retail Order that accesses liquidity provided by an RPI Order. This credit was adopted by the Exchange in 2014, contemporaneously with the implementation of the RPI Program.[5] In adopting the fees and credits for the Program, the Exchange stated that its fees and credits were reflective of BX's ongoing efforts to use pricing incentive programs to attract orders of retail customers to BX and to improve market quality. With respect to the credit to access RPI Order liquidity, the Exchange stated that the credit would result in a significant increase of rebates with respect to such orders, thereby reducing the costs of members that represent retail customers and that take advantage of the Program, and potentially also reducing costs to the customers themselves.[6]

Since the introduction of the Program in 2014 and the accompanying fees and credits, the Program has attained a stable level of participation with respect to the number of monthly participants and average monthly volume. Given the maturity of the Program and the fact that it maintains a stable level of participants and volume, the Exchange believes that a lower credit, in addition to the potential price improvement Retail Orders will receive, will continue to incentivize retail participants to use the Program. Accordingly, the Exchange is reducing the current credit of $0.0025 per share executed for a Retail Order that accesses liquidity provided by an RPI Order to $0.0021 per share executed. The remaining credits and fees associated with the Program remain unchanged.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[8] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [9]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [10] (''NetCoalition'') the DC Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[11] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [12]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .'' [13]

The Exchange believes that reducing the credit for a Retail Order that accesses liquidity provided by a Retail Price Improvement Order from $0.0025 to $0.0021 per share executed is reasonable. Given the maturity of the Program and the fact that it maintains a stable level of participants and volume, the Exchange believes that a lower credit, in addition to the potential price improvement Retail Orders will receive, will continue to incentivize retail participants to use the Program. The Exchange also believes that the new credit is reasonable because it remains higher than other credits offered by the Exchange, and will therefore continue to incentivize market participants to submit orders that qualify as Retail Orders to the Program.

In assessing the reasonableness of the new credit, the Exchange also notes that the new credit remains greater than similar credits paid by other exchanges for their respective Retail Liquidity Programs. For example, Cboe BYX Exchange, Inc. currently provides a rebate of $0.00150 per share executed for a Retail Order that removes liquidity against a Retail Price Improving Order or a non-displayed order that adds liquidity.[14] By way of further comparison, NYSE Arca, Inc. does not pay a credit (or assess a fee) for a Retail Order that executes against a Retail Price Improvement Order in Tape B and Tape C Securities.[15]

The Exchange believes that the new credit amount is an equitable allocation and is not unfairly discriminatory

Attribute that is held on the Exchange Book in order to provide liquidity at a price at least $0.001 better than the NBBO through a special execution process described in Rule 4780.'' *See* BX Rules 4702(b)(5); 4780(a)(3).

[5] *See* Securities Exchange Act Release No. 73836 (December 15, 2014), 79 FR 75852 (December 19, 2014) (SR–BX–2014–059).

[6] *Id.*

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4) and (5).

[9] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[10] *NetCoalition* v. *SEC,* 615 F.3d 525 (DC Cir. 2010).

[11] *See NetCoalition,* at 534—535.

[12] *Id.* at 537.

[13] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[14] *See* Cboe BYX fee schedule at *https://markets.cboe.com/us/equities/membership/fee_schedule/byx/.*

The Exchange notes that this Cboe BYX credit was previously $0.00250 per share. *See* Securities Exchange Act Release No. 81654 (September 19, 2017), 82 FR 44674 (September 25, 2017) (SR–BatsBYX–2017–21).

[15] *See* NYSE Arca, Inc. fee schedule at *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf.*

Tape C securities are those that are listed on the Exchange, Tape A securities are those that are listed on New York Stock Exchange LLC (''NYSE''), and Tape B securities are those that are listed on exchanges other than Nasdaq or NYSE.

because the Exchange will apply the same credit to all similarly situated members. The Exchange believes that it is an equitable allocation and is not unfairly discriminatory to reduce the credit for a Retail Order that access liquidity provided by an RPI Order while leaving other credits that are paid in connection with the Program unchanged. The Exchange notes that the amount of those other credits ($0.0017 per share executed for a Retail Order that accesses other liquidity on the Exchange book and $0.0000 per share executed for a Retail Order that receives price improvement when the accepted price of an order is different than the executed price of an order and accesses non-Retail Price Improvement order with Midpoint pegging) are lower than both the current $0.0025 credit and the proposed $0.0021 credit for accessing liquidity provided by an RPI Order. The Exchange believes that the $0.0017 credit for a Retail Order that accesses other liquidity on the Exchange book is still necessary to incentivize participation in the Program, and the proposed change will more closely align the credit for a Retail Order that accesses liquidity provided by a Retail Price Improvement Order to the credit for a Retail Order that accesses other liquidity on the Exchange book. The Exchange believes that is an equitable allocation and not unfairly discriminatory to leave the $0.0000 credit unchanged, since that credit cannot be further reduced while remaining a credit.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

In this instance, the proposed change to the credit available to member firms does not impose a burden on competition because the Exchange's execution services are completely voluntary and subject to extensive competition both from other exchanges and from off-exchange venues. The proposed credit will apply to all similarly situated members. While the Exchange believes that the current credit amount is no longer necessary to incentivize market participants to participate in the Program, the proposed credit will continue to incentivize market participants to submit orders that qualify as Retail Orders to the Program. The Exchange does not believe that it will impose any burden on competition not necessary or appropriate to leave the other credits that are available pursuant to the Program ($0.0017 and $0.0000 per share executed) unchanged. As discussed above, the Exchange believes that the $0.0017 credit for a Retail Order that accesses other liquidity on the Exchange book is still necessary to incentivize participation in the Program, while the $0.0000 credit cannot be further reduced while remaining a credit. The proposed change will more closely align the credit for a Retail Order that accesses liquidity provided by a Retail Price Improvement Order to those other credits.

Finally, the proposed credit continues to be higher than comparable credits paid by other exchanges in connection with their respective Retail Liquidity Programs.

In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[16]

[16] 15 U.S.C. 78s(b)(3)(A)(ii).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2018–011 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–BX–2018–011. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit

personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2018–011, and should be submitted on or before May 10, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–08152 Filed 4–18–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83050; File No. SR–GEMX–2018–12]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Codify Within Rule 718 the Data Feeds on GEMX

April 13, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 4, 2018, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to codify within Rule 718, which rule is currently reserved, the data feeds that are currently offered on GEMX.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqgemx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to codify within Rule 718, which rule is currently reserved, the data feeds that are currently offered on GEMX and previously filed in prior rule changes as described in more detail below. The Exchange proposes to rename Rule 718 ''Data Feeds'' and list the various data feed offerings within that rule.

The Exchange has previously filed a rule change which describes the various data offerings.[3] The data offerings contained in that rule change included: the Nasdaq GEMX Real-time Depth of Market Raw Data Feed (''Depth of Market Feed''), the Nasdaq GEMX Order Feed (''Order Feed''), the Nasdaq GEMX Top Quote Feed (''Top Quote Feed''), and the Nasdaq GEMX Trades Feed (''Trades Feed''). Each of the data offerings are described in more detail below.

Universal Changes

The Exchange notes it proposes various universal amendments to its data feeds for consistency and clarity. References to ''instrument'' will be replaced by the more specific language ''options series.'' Where the Exchange previously referred to ''trading status'' those words will be replaced with language which specifically explains the information for status, which is, ''whether the option series is available for trading on GEMX and identifies if the series is available for closing transactions only.'' The word ''customer'' will be replaced with the defined term ''Priority Customer.''[4] References to the word ''cumulative,'' when referring to volume, will be replaced with more specific language namely, ''daily trading,'' to refer to the volume. These aforementioned amendments are made, where applicable, within the data feeds described below in more detail. Finally, the Exchange is adding language in Rule 718(a) to make clear that the data feeds pertain to GEMX trading information.

Depth of Market Feed

In a Prior Filing the Exchange described the Depth Feed as providing aggregate quotes and orders at the top five price levels on the Exchange, and provides subscribers with a consolidated view of tradable prices beyond the BBO, showing additional liquidity and enhancing transparency for GEMX traded options. The data provided for each instrument includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and trading status. In addition, subscribers are provided with total quantity, customer quantity, price, and side (*i.e.,* bid/ask). This information is provided for each of the five indicated price levels on the Depth Feed. The feed also provides participants of imbalances on opening/reopening.

In codifying the feed description, the Exchange proposes a few amendments to the description in the Prior Filing in addition to the universal changes mentioned above. For the Depth of Market Feed, the Exchange is removing the words ''Real-time'' and ''Raw'' because all the feeds are real-time and contain raw data. Removing these words conforms the language of all the feeds. The Exchange proposes to replace ''Exchange'' with ''GEMX'' for clarity. Also, the Exchange is expanding the description of total quantity to ''total aggregate quantity'' including Public Customer[5] aggregate quantity and Priority Customer aggregate quantity. The Exchange is amending a description of the imbalances on opening/reopening to note the imbalances are order and not participant imbalances. Finally a typographical error is being amended in the last sentence of this data feed to remove an extraneous ''of'' in the sentence.

Order Feed

In a Prior Filing the Exchange described the Order Feed as providing information on new orders resting on the book. In addition, the feed also announces auctions. The data provided for each instrument includes the symbols (series and underlying

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80649 (May 10, 2017), 82 FR 22595 (May 16, 2017) (SR–GEMX–2017–07) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish INET Ports) (''Prior Filing'').

[4] The term ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* GEMX Rule 100(a)(41A).

[5] The term ''Public Customer'' means a person or entity that is not a broker or dealer in securities. *See* Rule 100(a)(42).

security), put or call indicator, expiration date, the strike price of the series, and trading status. The feed also provides participants of imbalances on opening/reopening.

In codifying the feed description, the Exchange proposes a few amendments to the description in the Prior Filing in addition to the universal changes mentioned above. The Exchange is amending the order feed to include the word ''all'' before auctions to make clear all auction information is included. The Exchange is adding examples of the information provided on new orders resting on the book, *e.g.* price, quantity and *market participant* capacity. The words ''market participant'' are intended to make clear which capacity is referred to for the information. The Exchange is amending a description of the imbalances on opening/reopening to note the imbalances are order and not participant imbalances. Also, a typographical error is being amended in the last sentence of this data feed to remove an extraneous ''of'' in the sentence.

Top Quote Feed

In a Prior Filing the Exchange described the Top Quote Feed as one that calculates and disseminates its best bid and offer position, with aggregated size (Total & Customer), based on displayable order and quote interest in the options market system. The feed also provides last trade information along with opening price, cumulative volume, high and low prices for the day. The data provided for each instrument includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and trading status.

In codifying the feed description, the Exchange proposes a few amendments to the description in the Prior Filing in addition to the universal changes mentioned above. The Exchange proposes to amend the Top Quote Feed to make clear that aggregated size included total size, Public Customer size in the aggregate and also Priority Customer size in the aggregate. The Exchange is replacing the term ''options market system'' with the defined term ''System.''[6] The Exchange also proposes to add a sentence, similar to the Depth of Market Feed and Order Feed which provides ''The feed also provides order imbalances on opening/reopening.'' This sentence should have been included with this feed as well. The universal changes described above apply as well.

[6] *See* Rule 100(a)(53).

Trades Feed

In a Prior Filing the Exchange described the Trades Feed as displaying last trade information along with opening price, cumulative volume, high and low prices for the day. The data provided for each instrument includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and trading status.

The Exchange is only amending the description of the Trades Feed as described in the universal changes.

The Exchange notes that market participants are charged for subscriptions to these products.[7] The Exchange believes that codifying these data feeds within the Exchange's Rulebook will bring greater transparency to its Rules as well as the data which is available on the Exchange. The amendments are also intended to provide greater clarity and transparency concerning the data offerings.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[8] in general, and furthers the objectives of Section 6(b)(5) of the Act,[9] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest. By codifying the various data feed offerings, which have already been filed for in another rule change,[10] will bring greater transparency to the Exchange's Rules. Also, the content of each data feed is described within the Rule for ease of reference. The Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest as it provides information relating to the data available on the Exchange for the benefit of its Members within its Rules and adds greater transparency to these offerings. Finally, the amendments seeks to add greater clarity to the data offerings and conform the text of the offerings.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[11] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The data feed offerings are available to any market participant. The Exchange's proposal seeks to codify the data offerings in a rule for ease of reference and transparency within the Rulebook. The amendments seeks to add greater clarity to the data offerings and conform the text of the offerings.

[7] *See* Schedule of Fees, Section V, Market Data.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *See* note 3 above.

[11] 15 U.S.C. 78f(b)(8).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[12] and subparagraph (f)(6) of Rule 19b–4 thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6)[14] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[15] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiving the operative delay will allow it to immediately reflect the Exchange's data feed offerings within its Rules and bring greater transparency to these data feed offerings. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and

[12] 15 U.S.C. 78s(b)(3)(A)(iii).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

designates the proposed rule change as operative upon filing.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–GEMX–2018–12 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–GEMX–2018–12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–GEMX–2018–12 and should be submitted on or before May 10, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Assistant Secretary.

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[16] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83049; File No. SR–MRX–2018–11]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Data Feeds Offered to MRX Members

April 13, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 4, 2018, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') 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 the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt data feeds offered to MRX Members.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqmrx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to adopt data feeds for MRX. The Exchange proposes to amend Rule 718, which is currently reserved, to rename the rule ''Data Feeds'' and include a description of each data feed within the rule. The data feed offerings are as follows: Nasdaq MRX Depth of Market Data Feed (''Depth of Market Feed''), the Nasdaq MRX Order Feed (''Order Feed''), the Nasdaq MRX Top Quote Feed (''Top Quote Feed'') and the Nasdaq MRX Trades Feed (''Trades Feed''). A description of each data offering follows below.

Depth of Market Feed

The Depth of Market Data Feed provides aggregate quotes and orders at the top five price levels on MRX, and provides subscribers with a consolidated view of tradable prices beyond the BBO, showing additional liquidity and enhancing transparency for MRX traded options. The data provided for each option series includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and whether the option series is available for trading on ISE and identifies if the series is available for closing transactions only. In addition, subscribers are provided with total aggregate quantity, Public Customer aggregate quantity, Priority Customer aggregate quantity, price, and side (*i.e.,* bid/ask). This information is provided for each of the top five price levels on the Depth Feed. The feed also provides order imbalances on opening/reopening.

Order Feed

The Order feed provides information on new orders resting on the book (*e.g.* price, quantity and market participant

capacity). In addition, the feed also announces all auctions. The data provided for each option series includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and whether the option series is available for trading on MRX and identifies if the series is available for closing transactions only. The feed also provides order imbalances on opening/reopening.

Top Quote Feed

The Top Quote Feed calculates and disseminates MRX's best bid and offer position, with aggregated size (including total size in aggregate, Public Customer size in the aggregate and Priority Customer size in the aggregate), based on displayable order and quote interest in the System. The feed also provides last trade information along with opening price, daily trading volume, high and low prices for the day. The data provided for each option series includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and whether the option series is available for trading on MRX and identifies if the series is available for closing transactions only. The feed also provides order imbalances on opening/reopening.

Trades Feed

The Trades Feed displays last trade information along with opening price, daily trading volume, high and low prices for the day. The data provided for each option series includes the symbols (series and underlying security), put or call indicator, expiration date, the strike price of the series, and whether the option series is available for trading on MRX and identifies if the series is available for closing transactions only.

These data offerings are currently being offered at no cost to any market participant. The Exchange believes that adopting these data feeds and codifying them within the Exchange's Rulebook will bring greater transparency to its Rules as well as the data which is available on the Exchange.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''), in general, and furthers the objectives of Section 6(b)(5) of the Act, in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest by adopting MRX's data feed offerings and codifying them into a Rule for the benefit of all investors. The Exchange permits any market participant to receive these data offerings at no cost. The Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest as it describes information relating to the data available on the Exchange for the benefit of its members and adds greater transparency to these offerings.

Adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data. The Exchange believes that this proposal is in keeping with those principles by promoting increased transparency through the dissemination of more useful proprietary data and also by clarifying its availability to market participants. The Exchange is making a voluntary decision to make this data available as it is not required to furnish this data under the Act. The Exchange chooses to make the data available as proposed in order to improve market quality, to attract order flow, and to increase transparency. The Exchange notes that the data provided on each of these feeds is the same as data provided by Nasdaq GEMX, LLC. The Exchange believes that is in the public interest to make similar information available with respect to options traded on MRX. The data offerings are designed to promote just and equitable principles of trade by providing all subscribers with data that should enable them to make informed decisions by using the data to assess current market conditions that directly affect such decisions. The market data provided by each of these feeds removes impediments to, and is designed to further perfect, the mechanisms of a free and open market and a national market system by making the market more transparent and accessible to market participants making routing decisions concerning their options orders.

The market data products are also designed to protect investors and the public interest by providing data to subscribers that is already currently available on other exchanges and will enable MRX to compete with such other exchanges, thereby offering market participants with additional data in order to seek the market center with the best price and the most liquidity on which to execute their transactions, all to the benefit of investors and the public interest, and to the marketplace as a whole.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The data feed offerings are available to any market participant at no cost. The Exchange's proposal seeks to adopt and codify the data offerings in a Rule for ease of reference and transparency. The Exchange believes that the proposed market data products will enhance competition in the U.S. options markets by providing similar data to that which is currently provided on other options exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and subparagraph (f)(6) of Rule 19b–4 thereunder.[4]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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–MRX–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–MRX–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 printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MRX–2018–11and should be submitted on or before May 10, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[5]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–08156 Filed 4–18–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83047; File No. SR–BX–2018–012]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Correct a Typographical Error Within Chapter VI, Section 9 of the BX Rules

April 13, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 10, 2018, Nasdaq BX, Inc. (''BX'' or ''Exchange'') 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 the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to correct a typographical error within BX Rule Chapter VI, Section 9.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this rule change is amend Chapter VI, Section 9, entitled ''Price Improvement Auction (''PRISM'')'' at Section 9(i)(C). The Exchange proposes to amend the following sentence:

> If the PRISM Order is for the account of a broker dealer or any other person or entity that is not a Public Customer and such order is for 50 option contracts *of* more, or if the difference between the NBBO is greater than $0.01, the Initiating Participant must stop the entire PRISM Order at a price that is the better of: (i) The BX BBO price improved by at least the Minimum Increment on the same side of the market as the PRISM Order, or (ii) the PRISM Order's limit price (if the order is a limit order), provided in either case that such price is at or better than the NBBO.

The Exchange proposes to replace the ''of'' with an ''or.'' The Exchange believes that amending the rule will bring greater clarity to the rule.

2. *Statutory Basis*

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[3] in general, and furthers the objectives of Section 6(b)(5) of the Act,[4] in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest by correcting a typographical error within the rule to bring greater clarity to the rule. The Exchange inadvertently inserted the word ''of'' instead of ''or'' within Chapter VI, Section 9(i)(C). This is a non-substantive correction to the current rule.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange inadvertently inserted the word ''of'' instead of ''or'' within Chapter VI, Section 9(i)(C). This is a non-substantive correction to the current rule.

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[5] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [5] and subparagraph (f)(6) of Rule 19b–4 thereunder.[6]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BX–2018–012 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–BX–2018–012. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2018–012 and should be submitted on or before May 10, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–08154 Filed 4–18–18; 8:45 am]

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[5] 15 U.S.C. 78s(b)(3)(A)(iii).

[6] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83046; File No. SR–NASDAQ–2018–012]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Order Granting Approval of a Proposed Rule Change To List and Trade, Under Nasdaq Rule 5705, the Shares of the Horizons Russell 2000 Covered Call ETF

April 13, 2018.

I. Introduction

On February 9, 2018, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the Horizons Russell 2000 Covered Call ETF (''Fund''). The proposed rule change was published for comment in the **Federal Register** on February 28, 2018.[3] The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposed Rule Change

The Exchange proposes to list and trade Shares of the Fund under Rule 5705, which governs the listing and trading of Index Fund Shares on the Exchange. The Shares will be offered by the Fund, which will be a passively managed exchange-traded fund (''ETF'') that seeks to track the performance of the CBOE Russell 2000 30-Delta BuyWrite V2 Index (''Benchmark Index'').[4] The Fund is a series of the Horizons ETF Trust I (''Trust'').[5] Horizons ETF Management (US), LLC will serve as the investment adviser (''Adviser'') to the Fund.[6] Foreside Fund

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 82761 (Feb. 22, 2018), 83 FR 8719 (''Notice'').

[4] The Benchmark Index methodology is available at: *https://www.cboe.com/products/strategy-benchmark-indexes/buywrite-indexes/cboe-russell-2000-30-delta-buywrite-index-bxrd.* The Chicago Board Options Exchange, Incorporated (n/k/a Cboe Exchange, Inc.) (''CBOE'') is the index calculation agent for the Benchmark Index.

[5] The Trust is registered with the Commission as an open-end management investment company and has filed a post-effective amendment to its registration statement on Form N–1A (''Registration Statement'') on behalf of the Fund. *See* Registration Statement for the Trust, filed on June 22, 2017 (File No. 333–183155). In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 31961 (Jan. 19, 2016) (File No. 812–14461) (''Exemptive Order'').

[6] The Exchange represents that the Adviser is not a broker-dealer; however, it is affiliated with two broker-dealers. A fire wall exists around the respective personnel at the Adviser and affiliated broker-dealers who have access to information concerning changes and adjustments to the composition and/or changes to the Fund's portfolio. In addition, such personnel will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Fund's portfolio. The Exchange represents that in the event (a) the Adviser, any sub-adviser, or the Index Provider (as discussed herein) becomes registered as a broker-dealer or is newly affiliated with a broker dealer, or (b) any new adviser, sub-adviser, or Index Provider is a registered broker-dealer or becomes affiliated with a broker dealer, then the Adviser, sub-adviser or Index Provider will implement a fire wall with respect to its relevant personnel or such broker dealer affiliate, as applicable, regarding access to information concerning the composition or changes to the portfolio or concerning changes and adjustments to the Benchmark Index and will be

Services, LLC will serve as the principal underwriter and distributor of the Fund's Shares. U.S. Bank National Association will act as the custodian for the Fund. U.S. Bancorp Fund Services, LLC will serve as the administrator, transfer agent and fund accounting agent for the Fund. The Benchmark Index was developed by and is maintained by FTSE International Limited and Frank Russell Company (''Index Provider'').[7]

The Exchange has made the following representations and statements in describing the Fund and its investment strategies, including other assets and investment restrictions.[8]

A. Exchange's Description of the Fund's Principal Investments

According to the Exchange, the Fund's investment objective is to seek to track the investment results that correspond (before fees and expenses) generally to the performance of the Benchmark Index provided by the Index Provider. The Fund will pursue its objective by investing at least 80% of its total assets in all of the equity securities in the Russell 2000 Index and a single written one-month out-of-the-money covered call option on the Russell 2000 Index. The market value of the option strategy may be up to 20% of the Fund's overall net asset value. The market value of the call options included in the Benchmark Index will not represent more than 10% of the total weight of the Benchmark Index. According to the Exchange, the component securities of the Benchmark Index meet all requirements of Nasdaq Rule 5705(b)(3)(A)(i) except that the Benchmark Index includes call options, which are not NMS Stocks as defined in Rule 600 of Regulation NMS.[9]

In pursuing its investment objective, under normal market conditions,[10] the Fund will seek investment results that, before fees and expenses, generally correspond to the performance of the Benchmark Index. The Fund seeks correlation of 0.90 or better between its performance and the performance of the Benchmark Index. A figure of 1.00 would represent perfect correlation. The call option written is at the strike nearest to the 30 Delta between 10:30 a.m. and 11:00 a.m. CT on the roll date (the third Friday of every month).

The Benchmark Index is a benchmark index that measures the performance of a theoretical portfolio that holds the stocks included in the Russell 2000 Index and writes (or sells) a single one-month out-of-the-money Russell 2000 Index covered call option. The call option written for the Benchmark Index is at the strike nearest to the 30 Delta between 10:30 a.m. and 11:00 a.m. CT on the roll date (the third Friday of every month). The Russell 2000 Index measures the performance of the small capitalization sector of the U.S. equity market, as defined by the Index Provider. The Russell 2000 Index is a subset of the Russell 3000 Index, which measures the performance of the broad U.S. equity market, as determined by the Index Provider. The Russell 2000 Index is a float-adjusted capitalization-weighted index of equity securities issued by the approximately 2000 smallest issuers in the Russell 3000 Index. Preferred and convertible preferred stock, redeemable shares, participating preferred stock, warrants, rights, installment receipts and trust receipts are not included in the Russell 2000 Index.

According to the Exchange, because a covered call strategy generates income in the form of premiums on the written call options, the Benchmark Index is generally expected to provide higher total returns with lower volatility than the Russell 2000 Index in most market environments, with the exception of when the equity market is rallying rapidly. The Exchange states that each single call option in the Benchmark Index will be traded on national securities exchanges, such as the CBOE. According to the Exchange, as of October 31, 2017, the Russell 2000 Index included common stocks of 1984 companies, with an average market capitalization of approximately $2.3 billion.[11]

The Fund will generally use a replication methodology, meaning it will invest in all of the securities and the call option comprising the Benchmark Index in proportion to the weightings in the Benchmark Index. However, the Fund may, from time-to-time, utilize a sampling methodology under various circumstances where it may not be possible or practicable to purchase all of the equity securities comprising the Benchmark Index.

The Exchange represents that the equity securities in which the Fund will invest and the option that the Fund will write will be limited to U.S. exchange-traded securities and call options, respectively, and that such securities will trade in markets that are members of the Intermarket Surveillance Group (''ISG'') or which are parties to a comprehensive surveillance sharing agreement with the Exchange.[12]

The equity securities held by the Fund will be rebalanced quarterly. The call option portion of the portfolio will consist of a single U.S. exchange-traded one-month covered call on the Russell 2000 Index that is written by the Fund slightly out-of-the-money. A call option will give the holder the right to buy the securities underlying the call options written at a predetermined strike price from the Fund. The notional value of the covered call options written (including the financial instruments in the Exchange's description of the Fund's Other Investments below) will be generally 100% of the overall Fund.

The Fund will utilize options in accordance with Rule 4.5 of the Commodity Exchange Act (''CEA''). The Trust, on behalf of the Fund, has filed a notice of eligibility for exclusion from the definition of the term ''commodity pool operator'' in accordance with Rule 4.5 so that the Fund is not subject to registration or regulation as a commodity pool operator under the CEA.

B. Exchange's Description of the Fund's Other Investments

According to the Exchange, the Fund may invest no more than 20% of its net

subject to procedures designed to prevent the use and dissemination of material, nonpublic information regarding the Fund's portfolio. According to the Exchange, the Fund does not currently intend to use a sub-adviser.

[7] The Exchange represents that the Index Provider is not a broker-dealer and it is not affiliated with a broker-dealer. A fire wall exists around its personnel who have access to information concerning changes and adjustments to the Benchmark Index. In addition, such personnel will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Benchmark Index.

[8] Additional information regarding the Trust, the Fund, and the Shares, including information relating to the underlying Index, investment strategies, risks, net asset value (''NAV'') calculation, creation and redemption procedures, fees, portfolio holdings disclosure policies, distributions, and taxes, among other information, is included in the Notice and the Registration Statement, as applicable. *See* Notice, *supra* note 3 and Registration Statement, *supra* note 5.

[9] *See* Notice, *supra* note 3, 83 FR at 8720.

[10] The term ''under normal market conditions'' as used herein includes, but is not limited to, the absence of adverse market, economic, political or other conditions, including extreme volatility or trading halts in the securities markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance. In periods of extreme market disturbance, the Fund may take temporary defensive positions, by overweighting its portfolio in cash/cash-like instruments; however, to the extent possible, the Adviser would continue to seek to achieve the Fund's investment objective.

[11] *See* Notice, *supra* note 3, 83 FR at 8721.

[12] *See id.* A list of ISG members is available at *www.isgportal.org.*

assets in the instruments described below.

The Fund may invest in ETFs, which shall be registered as investment companies under the 1940 Act and trade on a U.S. national securities exchange. The Fund may also buy and sell individual large capitalization equity securities that do not comprise the Russell 2000 Index and are traded on a U.S. national securities exchange.

The Fund may invest in U.S. exchange-listed futures contracts based on (1) the Benchmark Index or Russell 2000 Index and (2) ETFs designed to track the Benchmark Index or Russell 2000 Index. In addition, the Fund may invest in forward contracts based on (1) the Benchmark Index or Russell 2000 Index and (2) ETFs designed to track the Benchmark Index or Russell 2000 Index. The Fund may also buy and sell OTC options on (1) the Benchmark Index or Russell 2000 Index and (2) ETFs designed to track the Benchmark Index or Russell 2000 Index. Moreover, the Fund may enter into dividend and total return swap transactions (including equity swap transactions) based on (1) the Benchmark Index or Russell 2000 Index and (2) ETFs designed to track the Benchmark Index or Russell 2000 Index.[13] The Fund also may engage in interest rate swap transactions. The Fund would use interest rate swap transactions to manage or hedge exposure to interest rate fluctuations.

The Exchange represents that the Fund's short positions and its investments in swaps, futures contracts, forward contracts and options based on the Benchmark Index and Russell 2000 Index and ETFs designed to track the Benchmark Index or Russell 2000 Index will be backed by investments in cash, high-quality short-term debt securities and money-market instruments in an amount equal to the Fund's maximum liability under the applicable position or contract, or will otherwise be offset in accordance with Section 18 of the 1940 Act.[14]

The Fund will attempt to limit counterparty risk in non-cleared swaps, forwards, and OTC option contracts by entering into such contracts only with counterparties the Adviser believes are creditworthy and by limiting the Fund's exposure to each counterparty. The Adviser will monitor the creditworthiness of each counterparty and the Fund's exposure to each counterparty on an ongoing basis.

The Fund may invest in short-term debt securities, money market instruments and shares of money market funds to the extent permitted under the 1940 Act. Short-term debt securities and money market instruments include shares of fixed income or money market mutual funds, commercial paper, certificates of deposit, bankers' acceptances, U.S. government securities (including securities issued or guaranteed by the U.S. government or its authorities, agencies, or instrumentalities) and, repurchase agreements.[15] Short-term debt securities include bonds that are rated BBB or higher.

The Exchange represents that the Fund's investments described above in this section will be consistent with the Fund's investment objective and with the requirements of the 1940 Act.[16]

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid securities (calculated at the time of investment). The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid securities. Illiquid securities include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets, as determined in accordance with Commission staff guidance.

The Exchange states that the Fund will not invest in assets that are not described in this proposed rule change.

The Fund seeks to track the Benchmark Index, which itself may have concentration in certain regions, economies, markets, industries or sectors. The Fund may concentrate its investments in a particular industry or group of industries to the extent that the Russell 2000 Index concentrates in an industry or group of industries.[17] According to the Exchange, by concentrating its investments in an industry or sector, the Fund faces more risks than if it were diversified broadly over numerous industries or sectors.

III. Discussion and Commission's Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of Section 6 of the Act[18] and the rules and regulations thereunder applicable to a national securities exchange.[19] In particular, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,[20] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect

[13] The Exchange represents that the Fund will transact only with swap dealers that have in place an International Swaps and Derivatives Association (''ISDA'') agreement with the Fund. *See id.* at 8721 n.10. According to the Exchange, where practicable, the Fund intends to invest in swaps cleared through a central clearing house (''Cleared Swaps''). Currently, only certain of the interest rate swaps in which the Fund intends to invest are Cleared Swaps, while the dividend and total return swaps (including equity swaps) in which the Fund may invest are currently not Cleared Swaps. *See id.* at 8721 n.11.

[14] The Exchange represents that the Fund will seek, where possible, to use counterparties, as applicable, whose financial status is such that the risk of default is reduced; however, the risk of losses resulting from default is still possible. The Adviser will evaluate the creditworthiness of counterparties on an ongoing basis. In addition to information provided by credit agencies, the Adviser will evaluate each approved counterparty using various methods of analysis, such as, for example, the counterparty's liquidity in the event of default, the counterparty's reputation, the Adviser's past experience with the counterparty, and the counterparty's share of market participation. *See id.* at 8721 n.12.

[15] The Fund may enter into repurchase agreements with banks and broker-dealers. A repurchase agreement is an agreement under which securities are acquired by a fund from a securities dealer or bank subject to resale at an agreed upon price on a later date. The acquiring fund bears a risk of loss in the event that the other party to a repurchase agreement defaults on its obligations and the fund is delayed or prevented from exercising its rights to dispose of the collateral securities.

[16] The Exchange represents that, to limit the potential risk associated with such transactions, the Fund will segregate or ''earmark'' assets determined to be liquid by the Adviser in accordance with procedures established by the Trust's Board of Trustees and in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into certain offsetting positions) to cover its obligations arising from such transactions. In addition, the Fund will include appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of the Fund may give rise to leverage, causing the Fund to be more volatile than if it had not been leveraged. To mitigate leveraging risk, the Adviser will segregate or ''earmark'' liquid assets or otherwise cover the transactions that may give rise to such risk the 1940 Act. The Exchange further represents that the Fund will not make investments in securities to seek to achieve a multiple or inverse multiple of an index and they will not be used to enhance leverage. *See* Notice, *supra* note 3, 83 FR at 8722 n.14.

[17] *See* Registration Statement, *supra* note 5, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[18] 15 U.S.C. 78f.

[19] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 15 U.S.C. 78f(b)(5).

investors and the public interest. The Commission also finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act,[21] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities.

Quotation and last-sale information for the Shares will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association plans for the Shares. With respect to the securities and other assets held by the Fund, the intra-day, executable price quotations on such securities will be available from major broker-dealer firms or on the exchange on which they are traded, as applicable. Intra-day price information will also be available through subscription services, such as Bloomberg, Markit and Thomson Reuters, which can be accessed by Authorized Participants and other investors. Specifically, the intra-day, closing and settlement prices of the portfolio securities and other Fund investments, including exchange-listed equity securities, exchange-listed futures, and exchange-listed options, will be readily available from the national securities exchanges trading such securities, automated quotation systems, published or other public sources, and, with respect to OTC options, swaps, and forwards, from third party pricing sources, or on-line information services such as Bloomberg or Reuters. Price information regarding ETFs will be available from on-line information services and from the website for the applicable investment company security. The intra-day, closing and settlement prices of short-term debt securities and money market instruments will be readily available from published and other public sources or on-line information services. Money market funds are typically priced once each business day and their prices will be available through the applicable fund's website or from major market data vendors.

The value of the Benchmark Index will be published by one or more major market data vendors every 15 seconds during the Regular Market Session.[22] Information about the Benchmark Index constituents, the weighting of the constituents, the Benchmark Index's methodology, and the Benchmark Index's rules will be available at no charge on the Index Provider's website. In addition, for the Fund, an estimated value, defined in Rule 5705(b)(3)(C) as the ''Intraday Indicative Value,'' that reflects an estimated intraday value of the Fund's portfolio, will be disseminated. The Intraday Indicative Value, available on the NASDAQ Information LLC proprietary index data service,[23] will be based upon the current value for the components of the Disclosed Portfolio (as discussed herein) and will be updated and widely disseminated and broadly displayed at least every 15 seconds during the Regular Market Session. The Intraday Indicative Value will be based on quotes and closing prices from the assets' local market and may not reflect events that occur subsequent to the local market's close. Premiums and discounts between the Intraday Indicative Value and the market price may occur.

On each business day, before commencement of trading in Shares in the Regular Market Session on the Exchange, the Fund will disclose on its website the identities and quantities of the portfolio of securities and other assets (the ''Disclosed Portfolio'') held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the business day.[24] The NAV of the Fund's Shares generally will be calculated once daily Monday through Friday as of the close of regular trading on the Nasdaq Stock Exchange, generally 4:00 p.m. Eastern time. In addition, a basket composition file, which includes the asset names, amounts and share quantities, as applicable, required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of Nasdaq, via the National Securities Clearing Corporation. The basket will represent one Creation Unit of the Fund.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. The Fund's website will include a form of the prospectus for the Fund that may be downloaded and additional data relating to NAV and other applicable quantitative information.

The Commission further believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.[25] Nasdaq will halt or pause trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121, including the trading pauses under Nasdaq Rules 4120(a)(11) and (12). Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.[26] If the Intraday Indicative Value, the Benchmark Index value or the value of the Disclosed Portfolio is not being disseminated as required, the Exchange may halt trading during the day in which the disruption occurs; if the interruption persists past the day in which it occurred, the Exchange will

[21] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[22] *See* Nasdaq Rule 4120(b)(4) (describing the three trading sessions on the Exchange: (1) Pre-Market Session from 4 a.m. to 9:30 a.m. Eastern time; (2) Regular Market Session from 9:30 a.m. to 4 p.m. or 4:15 p.m. Eastern time; and (3) Post-Market Session from 4 p.m. or 4:15 p.m. to 8 p.m. Eastern time).

[23] Currently, the NASDAQ Global Index Data Service (''GIDS'') is the NASDAQ global index data feed service, offering real-time updates, daily summary messages, and access to widely followed indexes and Intraday Indicative Values for ETFs. GIDS provides investment professionals with the daily information needed to track or trade NASDAQ indexes, listed ETFs, or third-party partner indexes and ETFs.

[24] On a daily basis, the Fund will disclose on the Fund's website (*www.us.horizonsetfs.com*) the following information regarding each portfolio holding, as applicable to the type of holding: Ticker symbol; CUSIP number or other identifier, if any; a description of the holding (including the type of holding); with respect to holdings in derivatives, the identity of the security, index, or other asset upon which the derivative is based; for options, the option strike price, quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units), and expiration of call option; maturity date, if any; coupon rate; if any; effective date, if any; market value of the holding; percentage weighting of the holding in the Fund's portfolio; and cash equivalents and the amount of cash held. The website information will be publicly available at no charge.

[25] *See* Notice, *supra* note 3, 83 FR at 8724.

[26] These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments constituting the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Trading in the Shares also will be subject to Nasdaq Rule 5705(b)(1)(B)(iv), which sets forth circumstances under which Shares of the Fund may be halted.

halt trading no later than the beginning of the trading day following the interruption. The Exchange also states that it has a general policy prohibiting the distribution of material, non-public information by its employees.[27] In addition, the Exchange states that the Adviser is not a broker-dealer; however, it is affiliated with two broker-dealers. The Exchange states that the Adviser represents that a fire wall exists around the respective personnel at the Adviser and affiliated broker-dealers who have access to information concerning changes and adjustments to the composition and/or changes to the Fund's portfolio.[28] In addition, the Exchange represents that such personnel will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Fund's portfolio.[29] The Exchange further states that the Index Provider is not a broker-dealer and it is not affiliated with a broker-dealer, and it has represented that a fire wall exists around personnel who have access to information concerning changes and adjustments to the Benchmark Index, and such personnel will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Benchmark Index.[30]

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[31] FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, in the equity securities in which the Fund will invest, and in the U.S. exchange-traded options and futures which the Fund will buy and write with other markets and other entities that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement,[32] and FINRA may obtain trading information regarding trading in the Shares and in such equity securities and U.S. exchange-traded options and futures from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and in such equity securities and U.S. exchange-traded options and futures from markets and other entities that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Exchange may also obtain information from the Trade Reporting and Compliance Engine (''TRACE''), which is the FINRA developed vehicle that facilitates mandatory reporting of OTC secondary market transactions in eligible fixed income securities.

The Commission notes that the Shares and the Fund must comply with the initial and continued listing criteria in Rule 5705 for the Shares to be listed and traded on the Exchange.

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. In support of this proposal, the Exchange has made the following representations:

(1) The Shares will be subject to Rule 5705, which sets forth the initial and continued listing criteria applicable to Index Fund Shares.[33]

(2) The component securities of the Benchmark Index meet all requirements of Nasdaq Rule 5705(b)(3)(A)(i) except that the Benchmark Index includes call options, which are not NMS Stocks as defined in Rule 600 of Regulation NMS.[34]

(3) The Exchange has the appropriate rules to facilitate transactions in the Shares during all trading sessions.[35]

(4) Trading in the Shares will be subject to the existing trading surveillances, administered by Nasdaq and FINRA on behalf of the Exchange.[36] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.[37]

(5) FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, in the equity securities in which the Fund will invest, and in the U.S. exchange-traded options and futures which the Fund will buy and write with other markets and other entities that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. FINRA may obtain trading information regarding trading in the Shares and in such equity securities and U.S. exchange-traded options and futures from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and in such equity securities and U.S. exchange-traded options and futures from markets and other entities that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Exchange may also obtain information from FINRA's TRACE.[38]

(6) For initial and/or continued listing, the Fund must be in compliance with Rule 10A–3 [39] under the Act.[40]

(7) Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (a) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (b) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (c) how information regarding the Benchmark Index value and Intraday Indicative Value is disseminated; (d) the risks involved in trading the Shares during the Pre-Market and Post-Market

[27] *See* Notice, *supra* note 3, 83 FR at 8725.

[28] *See supra* note 6. The Commission also notes that an investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with the Advisers Act and Rule 204A–1 thereunder. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[29] *See* Notice, *supra* note 3, 83 FR at 8720.

[30] *See id.*

[31] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[32] For a list of the current members of ISG, *see supra* note 12.

[33] *See* Notice, *supra* note 3, 83 FR at 8724.

[34] *See id.* at 8720.

[35] *See id.* at 8724.

[36] *See id.*

[37] *See id.* at 8725.

[38] *See id.*

[39] *See* 17 CFR 240.10A–3.

[40] *See* Notice, *supra* note 3, 83 FR at 8724.

Sessions when an updated Benchmark Index value and Intraday Indicative Value will not be calculated or publicly disseminated; (e) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.[41]

(8) The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid securities (calculated at the time of investment).[42]

(9) Each single call option in the Benchmark Index will be traded on national securities exchanges.[43]

(10) The equity securities in which the Fund will invest, and the option that the Fund will write, will be limited to U.S. exchange-traded securities and call options, respectively, and such securities will trade in markets that are members of the ISG or which are parties to a comprehensive surveillance sharing agreement with the Exchange.[44]

(11) The Fund will invest at least 80% of its total assets in all of the equity securities in the Russell 2000 Index and a single written one-month out-of-the-money covered call option on the Russell 2000 Index, and the market value of the option strategy may be up to 20% of the Fund's overall net asset value.[45]

(12) The Fund will utilize options in accordance with Rule 4.5 of the CEA.[46]

(13) The Fund will transact only with swap dealers that have in place an ISDA agreement with the Fund.[47]

(14) The Fund's short positions and its investments in swaps, futures contracts, forward contracts and options based on the Benchmark Index and Russell 2000 Index and ETFs designed to track the Benchmark Index or Russell 2000 Index will be backed by investments in cash, high-quality short-term debt securities and money-market instruments in an amount equal to the Fund's maximum liability under the applicable position or contract, or will otherwise be offset in accordance with Section 18 of the 1940 Act.[48]

(15) The Fund will attempt to limit counterparty risk in non-cleared swaps, forwards, and OTC option contracts by entering into such contracts only with counterparties the Adviser believes are creditworthy and by limiting the Fund's exposure to each counterparty. The Adviser will monitor the creditworthiness of each counterparty and the Fund's exposure to each counterparty on an ongoing basis.[49]

(16) To limit the potential risk associated with such transactions, the Fund will segregate or ''earmark'' assets determined to be liquid by the Adviser in accordance with procedures established by the Trust's Board of Trustees and in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into certain offsetting positions) to cover its obligations arising from such transactions. In addition, the Fund will include appropriate risk disclosure in its offering documents, including leveraging risk.[50]

(17) The Fund will not make investments in securities to seek to achieve a multiple or inverse multiple of an index and they will not be used to enhance leverage.[51]

(18) The Fund will not invest in assets that are not described in the proposed rule change.[52]

(19) A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange.[53]

The Exchange further represents that all statements and representations made in this filing regarding the description of the portfolio, limitations on portfolio holdings or reference assets, dissemination and availability of the reference asset and intraday indicative values, and the applicability of Exchange listing rules shall constitute continued listing requirements for listing the Shares on the Exchange. The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under the Nasdaq 5800 Series.[54]

This approval order is based on all of the Exchange's representations, including those set forth above and in the Notice. For the foregoing reasons, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act[55] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[56] that the proposed rule change (SR–NASDAQ–2018–012) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[57]

Eduardo A. Aleman,

Assistant Secretary.

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[41] *See id.* at 8725.

[42] *See id.* at 8722.

[43] *See id.* at 8721.

[44] *See id.*

[45] *See id.* at 8720.

[46] *See id.* at 8721.

[47] *See id.* at 8721 n.10.

[48] *See id.* at 8721.

[49] *See id.* at 8722.

[50] *See id.* at 8722 n.14.

[51] *See id.*

[52] *See id.* at 8722.

[53] *See id.* at 8724.

[54] *See id.* at 8725.

[55] 15 U.S.C. 78f(b)(5).

[56] 15 U.S.C. 78s(b)(2).

[57] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83048; File No. SR–IEX–2018–07]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 11.190(g) To Incrementally Optimize and Enhance the Effectiveness of the Quote Instability Calculation in Determining Whether a Crumbling Quote Exists

April 13, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 3, 2018, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Act,[3] and Rule 19b–4 thereunder,[4] IEX is filing with the Commission a proposed rule change to amend Rule 11.190(g) to incrementally optimize and enhance the effectiveness of the quote instability calculation in determining whether a crumbling quote exists. The Exchange has designated this proposal as non-controversial and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(1).

[4] 17 CFR 240.19b–4.

provided the Commission with the notice required by Rule 19b–4(f)(6)(iii) under the Act.[5]

The text of the proposed rule change is available at the Exchange's website at *www.iextrading.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 these statement [sic] may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Overview

The purpose of the proposed rule change is to amend Rule 11.190(g) to incrementally optimize and enhance the effectiveness of the quote instability calculation in determining whether a crumbling quote exists. The Exchange utilizes real time relative quoting activity of certain Protected Quotations[6] and a proprietary mathematical calculation (the ''quote instability calculation'') to assess the probability of an imminent change to the current Protected NBB to a lower price or Protected NBO to a higher price for a particular security (''quote instability factor''). When the quoting activity meets predefined criteria and the quote instability factor calculated is greater than the Exchange's defined quote instability threshold, the System treats the quote as unstable and the crumbling quote indicator (''CQI'') is on at that price level for two milliseconds. During all other times, the quote is considered stable, and the CQI is off. The System independently assesses the stability of the Protected NBB and Protected NBO for each security.

When CQI is on, Discretionary Peg orders[7] and primary peg orders[8] do not exercise price discretion to meet the limit price of an active (*i.e.,* taking) order. Specifically, as set forth in Rule 11.190(b)(10), a Discretionary Peg order pegs to the less aggressive of the primary quote (*i.e.,* NBB for buy orders and NBO for sell orders) or the order's limit price, if any, but, will exercise price discretion in order to meet the limit price of an active order up to the less aggressive of the Midpoint Price or the order's limit price, if any. However, a Discretionary Peg order will not exercise such price discretion when the CQI is on. Similarly, as set forth in Rule 11.190(b)(8), a primary peg order pegs to a price that is the less aggressive of one (1) minimum price variant (''MPV'') less aggressive than the primary quote (*i.e.,* one MPV below (above) the NBB (NBO) for buy (sell) orders) or the order's limit price, if any, but will exercise price discretion in order to meet the limit price of an active order up to the NBB (for buy orders) or down to the NBO (for sell orders), except when the CQI is on or if the order is resting at its limit price, if any.

In addition, when the CQI is on buy (sell) orders that take liquidity at prices at or below (above) the NBO (NBB) are subject to the Crumbling Quote Remove Fee (''CQRF'') for executions that exceed the CQRF Threshold.

Discretionary Peg Order

The manner in which Discretionary Peg orders operate is described in Rule 11.190(b)(10). Specifically, a Discretionary Peg order is a non-displayed, pegged order that upon entry into the System, the price of the order is automatically adjusted by the System to be equal to the less aggressive of the Midpoint Price or the order's limit price, if any. When unexecuted shares of such order are posted to the Order Book, the price of the order is automatically adjusted by the System to be equal to and ranked at the less aggressive of the primary quote or the order's limit price and is automatically adjusted by the System in response to changes in the NBB (NBO) for buy (sell) orders up (down) to the order's limit price, if any. In order to meet the limit price of active orders on the Order Book, a Discretionary Peg order will exercise the least amount of price discretion necessary from the Discretionary Peg order's resting price to its discretionary price (defined as the less aggressive of the Midpoint Price or the Discretionary Peg order's limit price, if any), except during periods of quote instability (*i.e.,* when a crumbling quote exists) as defined in paragraph Rule 11.190(g).

Primary Peg Orders

The manner in which primary peg orders operate is described in Rules 11.190(a)(3) and 11.190(b)(8). Specifically, a primary peg order is a non-displayed, pegged order that upon entry and when posting to the Order Book the price of the order is automatically adjusted by the System to be equal to and ranked at the less aggressive of one (1) MPV less aggressive than the primary quote (*i.e.,* the NBB for buy orders and the NBO for sell orders) or the order's limit price, if any. While resting on the Order Book, the order is automatically adjusted by the System in response to changes in the NBB (NBO) for buy (sell) orders up (down) to the order's limit price, if any. In order to meet the limit price of active orders on the Order Book a primary peg order will exercise price discretion to its discretionary [sic] (defined as the primary quote), except during periods of quote instability as defined in paragraph 11.190(g).

CQRF

The CQRF is designed to incentivize resting liquidity, including displayed liquidity, on IEX, and is applicable to orders that remove resting liquidity when the CQI is on if such orders constitute at least 5% of the Member's volume executed on IEX and at least 1,000,000 shares, on a monthly basis, measured on a per market participant identifier (''MPID'') basis. Thus, orders that exceed the 5% and 1,000,000 share thresholds are assessed a fee of $0.0030 per each incremental share executed (or 0.3% of the total dollar value of the transaction for securities priced below $1.00) that exceeds the threshold.

Crumbling Quote Calculation

In determining whether a crumbling quote exists, the Exchange utilizes real time relative quoting activity of certain Protected Quotations and a proprietary mathematical calculation (the ''quote instability calculation'') to assess the probability of an imminent change to the current Protected NBB to a lower price or Protected NBO to a higher price for a particular security (''quote instability factor''). When the quoting activity meets predefined criteria and the quote instability factor calculated is greater than the Exchange's defined threshold (''quote instability threshold''), the System treats the quote as not stable (''quote instability'' or a ''crumbling quote''). During all other times, the quote is considered stable

[5] 17 CFR 240.19b–4(f)(6)(iii).

[6] Pursuant to Rule 11.190(g), the Protected Quotations of the New York Stock Exchange, Nasdaq Stock Market, NYSE Arca, Nasdaq BX, Bats BZX Exchange, Bats BYX Exchange, Bats EDGX Exchange, and Bats EDGA Exchange.

[7] *See* Rule 11.190(b)(10).

[8] *See* Rule 11.190(b)(8).

(''quote stability''). The System independently assesses the stability of the Protected NBB and Protected NBO for each security.

When the System determines that a quote, either the Protected NBB or the Protected NBO, is unstable, the determination remains in effect at that price level for two (2) milliseconds. The System will only treat one side of the Protected NBBO as unstable in a particular security at any given time.[9] By not permitting resting Discretionary Peg orders and primary peg orders to exercise price discretion during periods of quote instability, the Exchange is designed to protect such orders from unfavorable executions when its probabilistic model identifies that the market appears to be moving adversely to them. Similarly, the CQRF is designed to protect liquidity providing orders by disincentivizing trading strategies that target resting liquidity during periods of quote instability seeking to trade at prices that are about to become stale.

Quote stability or instability (also referred to as a crumbling quote) is an assessment that the Exchange System makes on a real-time basis, based on a pre-determined, objective set of conditions specified in Rule 11.190(g)(1). Specifically, quote instability, or the presence of a crumbling quote, is determined by the System when:

(A) the quote instability factor result from the quote stability calculation is greater than the defined quote instability threshold.

(i) Quote Instability Factor. The Exchange's proprietary quote stability calculation used to determine the current quote instability factor is defined by the following formula that utilizes the quote stability coefficients and quote stability variables defined below:

$$1/(1 + e \wedge -(C_0 + C_1 * N + C_2 * F + C_3 * NC + C_4 * FC + C_5 * EPos + C_6 * ENeg + C_7 * EPosPrev + C_8 * ENegPrev + C_9 * Delta))$$

(a) Quote Stability Coefficients. The Exchange utilizes the values below for the quote stability coefficients.

(1) $C_0 = -1.2867$
(2) $C_1 = -0.7030$
(3) $C_2 = 0.0143$
(4) $C_3 = -0.2170$
(5) $C_4 = 0.1526$
(6) $C_5 = -0.4771$
(7) $C_6 = 0.8703$
(8) $C_7 = 0.1830$
(9) $C_8 = 0.5122$
(10) $C_9 = 0.4645$

(b) Quote Stability Variables. The Exchange utilizes the quote stability variables defined below to calculate the current quote instability factor.

(1) N = the number of Protected Quotations on the near side of the market, *i.e.* Protected NBB for buy orders and Protected NBO for sell orders.
(2) F = the number of Protected Quotations on the far side of the market, *i.e.* Protected NBO for buy orders and Protected NBB for sell orders.
(3) NC = the number of Protected Quotations on the near side of the market minus the maximum number of Protected Quotations on the near side at any point since one (1) millisecond ago or the most recent PBBO change, whichever happened more recently.
(4) FC = the number of Protected Quotations on the far side of the market minus the minimum number of Protected Quotations on the far side at any point since one (1) millisecond ago or the most recent PBBO change, whichever happened more recently.
(5) EPos = a Boolean indicator that equals 1 if the most recent quotation update was a quotation of a protected market joining the near side of the market at the same price.
(6) ENeg = a Boolean indicator that equals 1 if the most recent quotation update was a quotation of a protected market moving away from the near side of market that was previously at the same price.
(7) EPosPrev = a Boolean indicator that equals 1 if the second most recent quotation update was a quotation of a protected market joining the near side of the market at the same price AND the second most recent quotation update occurred since one (1) millisecond ago or the most recent PBBO change, whichever happened more recently.
(8) ENegPrev = a Boolean indicator that equals 1 if the second most recent quotation update was a quotation of a protected market moving away from the near side of market that was previously at the same price AND the second most recent quotation update occurred since one (1) millisecond ago or the most recent PBBO change, whichever happened more recently.
(9) Delta = the number of these three (3) venues that moved away from the near side of the market on the same side of the market and were at the same price at any point since one (1) millisecond ago or the most recent PBBO change, whichever happened more recently: XNGS, EDGX, BATS.

(ii) Quote Instability Threshold. The Exchange utilizes a quote instability threshold of 0.39 for securities whose current spread is less than or equal to $0.01; 0.45 for securities for which the current spread (*i.e.,* the Protected Best Offer minus Protected Best Bid) is greater than $0.01 and less than or equal to $0.02; 0.51 for securities for which the current spread is greater than $0.02 and less than or equal to $0.03; and 0.39 for securities for which the current spread is greater than $0.03.

Rule 11.190(g)(1)(D)(iii) provides that the Exchange reserves the right to modify the quote instability coefficients or quote instability threshold at any time, subject to a filing of a proposed rule change with the SEC. The Exchange is proposing such changes in this rule filing.

Changes To Quote Instability Coefficients and Quote Instability Threshold

IEX conducted an analysis of the effectiveness of the existing factors in predicting whether a crumbling quote would occur, by reviewing market data from randomly selected days in the period from October 2016 through October 2017. These results were then validated by testing different randomly selected dates from the same time period. Based on this analysis, the Exchange has determined that further optimization of the methodology and existing factors would incrementally increase the accuracy of the formula in predicting whether a crumbling quote will occur. The following describes the proposed changes:

1. Rule 11.190(g)(1) provides in part that when the System determines that a quote, either the Protected NBB or the Protected NBO is unstable, the determination remains in effect at that price level for two (2) milliseconds. The Exchange proposes to revise the time limitation on how long each determination remains in effect, and reorganize certain existing rule text for clarity. As proposed, when the System determines that either the Protected NBB or the Protected NBO in a particular security is unstable, the determination remains in effect at that price level for two (2) milliseconds, unless a new determination is made before the end of the two (2) millisecond period. Only one determination may be in effect at any given time for a particular security. A new determination may be made after at least 200 microseconds has elapsed since a preceding determination, or a price change on either side of the Protected NBBO occurs, whichever is first. If a new determination is made, the original determination is no longer in effect. A new determination can be at either the Protected NBB or the Protected NBO and at the same or different price level as the original determination.[10] Based

[9] *See,* Rule 11.190(g).

[10] The Exchange also proposes a nonsubstantive change to the text of subparagraph (g)(1) of Rule 11.190 to remove the sentence stating that ''[t]he System will only treat one side of the Protected NBBO as unstable in a particular security at any give time.'' which is redundant of proposed new text that provides that ''[o]nly one determination

Continued

upon our analysis of market data, as described above, the Exchange believes that changes to the time limitation would provide for a more dynamic methodology for quote instability determinations thereby incrementally increasing the accuracy of the formula in predicting a crumbling quote by expanding the scope of the model to additional situations where a crumbling quote exists at a different price point, or again at the same price point within two (2) milliseconds. For example, suppose that the NBBO is currently $10.03 by $10.04 in a particular security, and the System determines that the NBB is unstable. This determination goes into effect, with an expiration time set two (2) milliseconds in the future. Now suppose that one (1) millisecond later, the NBB falls to $10.02 and the System determines that this new NBB is unstable. As proposed once the System makes a new determination that the NBB of $10.02 is unstable, even though the prior determination at $10.03 has not expired, the new determination will overwrite the old determination, and its expiration time will be set to two (2) milliseconds in the future from the time of this determination.

2. The Exchange proposes to revise five of the quote stability variables currently specified in subparagraph (1)(A)(i)(b) of Rule 11.190(g). Specifically, the Exchange proposes to revise variables NC, EPosPrev, ENegPrev and Delta to be calculated over a time window looking back from the time of calculation to one (1) millisecond ago or the most recent PBBO change on the near side (rather than on either side), whichever happened more recently. Based on our analysis of market data, as described above, the Exchange identified that for each variable, considering the maximum change over the time window defined in this manner is a more accurate indicator of a crumbling quote than the current approach. Similarly, the Exchange proposes to revise variable FC to be calculated over a time window looking back from the time of calculation to one (1) millisecond ago or the most recent PBBO change on the far side (rather than on either side), whichever happened more recently. Based on our analysis of market data, as described above, the Exchange identified that for this variable, considering the maximum change over the time window described in this manner is a more accurate indicator of a crumbling quote than the current approach.

3. The Quote Stability Coefficients specified in subparagraph (1)(A)(i)(a) of Rule 11.190(g) are proposed to be modified to take into account the recent market data analysis, as well as the changes to the quote stability variables as described above. The Exchange believes that the modifications, as proposed, will increase the accuracy of the quote instability calculation.

4. The Exchange proposes to modify and re-optimize the Quote Instability Threshold specified in subparagraph (1)(A)(ii) of Rule 11.190(g) based on the recent market data analysis and the changes to the quote stability variables. Specifically, the threshold size would continue to vary based on the spread of the Protected NBBO,[11] but the values would be revised. Based on its data analysis, as described above, the Exchange believes that the revised values, as proposed, will increase the accuracy of the quote instability calculation.

5. Finally, the Exchange proposes to conform terminology within Rule 11.190(g) by replacing the use of the term ''quote stability'' in two instances—within subparagraph (1)(A) and subparagraph (1)(A)(i) of 11.190(g)—with ''quote instability'' for clarity and consistency. The Exchange notes that in context, both instances mean ''quote instability'' so no substantive change is proposed in this respect.

The Exchange will announce the implementation date of the proposed rule change by Trading Alert at least five business days in advance of such implementation date and within 90 days of effectiveness of this proposed rule change.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with Section 6(b) [12] of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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. Specifically, and as discussed above, the proposal is designed to optimize and enhance the effectiveness of the quote instability calculation in determining whether a crumbling quote exists. As discussed in the Purpose section, each of the proposed changes are based on the Exchange's analysis of market data, which supports that the proposed changes would increase the accuracy of the Exchange's quote instability calculation.

The Exchange believes that the proposed changes are designed to protect investors and the public interest by incrementally enhancing the accuracy of the Exchange's quote instability calculation in determining whether a crumbling quote exists, thereby increasing the Exchange's protection of Discretionary Peg orders, primary peg orders and other liquidity providing orders. Specifically, the Exchange believes that the proposed rule change will enhance the extent to which Discretionary Peg orders and primary peg orders will be protected from unfavorable executions by increasing the instances in which such orders will be prevented from exercising price discretion during periods of quote instability when the Exchange's probabilistic model identifies that the market appears to be moving adversely to them. Similarly, the Exchange believes that the proposed rule change will incrementally enhance the extent to which liquidity providing orders will be protected from liquidity taking orders targeting them at prices that are likely to move adversely from the perspective of the liquidity providing order.

The Exchange also believes that application of the proposed rule change to the CQRF is equitable and not unfairly discriminatory, because it will continue to be narrowly tailored to disincentivize all Members from deploying trading strategies designed to chase short-term price momentum during periods when the CQI is on and thus potentially adversely impact liquidity providing orders. Further, although the incremental enhancements to the accuracy of the crumbling quote formula may result in a corresponding increase in executions that remove resting liquidity when the CQI is on, the Exchange believes that Members are able to adjust their trading on IEX to reduce or eliminate the imposition of fees pursuant to the CQRF. Moreover, based on its review of market data during February 2018, the Exchange estimates that while approximately 10% more trades would be impacted by the proposed rule change, only one additional Member would potentially be subject to the CQRF. However, a review of this Member's trading activity since

may be in effect at any given time for a particular security.''. [sic]

[11] The spread is defined in proposed paragraph (1)(D)(ii) as the Protected Best Offer minus Protected Best Bid.

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(5).

the January 2018 implementation of the CQRF indicates that the Member has been able to adjust its trading on IEX to reduce and then eliminate its liability for the CQRF. Thus, the Exchange believes that application of the rule change with respect to the CQRF is equitable and not unfairly discriminatory.

The Exchange further believes that the conforming changes to terminology are consistent with the Act because they are designed to provide enhanced clarity within Rule 11.190(g) and thereby avoid any potential confusion on the part of market participants.

Finally, the Exchange notes that, as proposed, the new quote instability calculation will continue to be a fixed formula specified transparently in IEX's rules. The Exchange is not proposing to add any new functionality, but merely to revise the fixed formula based on market data analysis designed to increase the accuracy of the formula in predicting a crumbling quote, and as contemplated by the rule.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. With regard to intra-market competition, the proposed change will apply equally to all IEX Members. The Commission has already considered the Exchange's Discretionary Peg order type in connection with its grant of IEX's application for registration as a national securities exchange under Sections 6 and 19 of the Act [14] and approved the Exchange's primary peg order type.[15] The Commission has also considered the CQRF,[16] and the Exchange does not believe that the incremental increase in the number of executions that remove resting liquidity when the CQI is on as a result of the proposed enhancements to the accuracy of the quote instability calculation specified in Rule 11.190(g) will create a burden on competition with respect to application to the CQRF. As discussed in the Statutory Basis section, the proposed rule change will apply equally to all Members, and the Exchange believes that Members who may be subject to potential increased fees will be able to adjust their trading on IEX to reduce or eliminate any additional fees pursuant to the CQRF.

The Exchange also believes that the proposed rule change will not result in any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. In this regard, the Exchange notes that NYSE American LLC has adopted a rule copying an earlier iteration of the Exchange's Discretionary Peg Order and quote stability calculation.[17]

As discussed in the Purpose and Statutory Basis sections, the proposed rule change is designed to merely enhance the accuracy of the quote instability calculation; therefore, no new burdens are being proposed.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [18] and subparagraph (f)(6) of Rule 19b–4 thereunder.[19]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [20] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. In its filing, IEX requests that the Commission waive the 30-day operative delay. IEX represented that the proposed rule change would optimize the methodology by which the Exchange determines whether a crumbling quote exists. Specifically, IEX stated that its proposed changes to the quote stability variables, the quote stability coefficients, and the quote instability threshold were based on a recent market data analysis and would increase the accuracy of the quote instability calculation. IEX similarly believed that its proposed changes to the current time limitation would provide a more dynamic and expansive methodology that would increase the accuracy of quote instability determinations.[21] IEX further indicated that the proposed changes to the quote instability calculation would enhance the Exchange's ability to protect Discretionary Peg orders, primary peg orders, and other liquidity providing orders from unfavorable executions, because such changes would better prevent such orders from exercising price discretion during periods when the market appears to be moving adversely to them.

The Commission believes that a partial waiver of the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow IEX to optimize the functionality of its quote instability calculation in order to allow the crumbling quote functionality to better meet its intended purpose to protect certain liquidity-providing orders. At the same time, a partial operative delay will afford the public time to review and comment upon the proposed changes before they become operative. Accordingly, the Commission waives the 30-day operative delay and designates that the proposed rule change will become operative on April 24, 2018.[22]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

[14] *See* Securities Exchange Act Release 78101 (June 17, 2016), 81 FR 41142 (June 23, 2016) (File No. 10–222).

[15] *See* Securities Exchange Act Release No. 80223 (March 13, 2017), 82 FR 14240 (March 17, 2017).

[16] *See* Securities Exchange Act Release No. 81484 (August 25, 2017), 82 FR 41446 (August 31, 2017).

[17] *See* NYSE American Rule 7.31E(h)(3)(D).

[18] 15 U.S.C. 78s(b)(3)(A)(iii).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] The Exchange also proposed several non-substantive changes to Rule 11.190(g) that were designed to increase the clarity and consistency of the rule.

[22] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–IEX–2018–07 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–IEX–2018–07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–IEX–2018–07, and should be submitted on or before May 10, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–08155 Filed 4–18–18; 8:45 am]

BILLING CODE 8011–01–P

[23] 17 CFR 200.30–3(a)(12) and (59).

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2016–0128]

Pipeline Safety: Meeting of the Voluntary Information-Sharing System Working Group

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting of the Voluntary Information-sharing System (VIS) Working Group. The VIS Working Group will convene to discuss and identify recommendations to establish a voluntary information-sharing system.

DATES: The public meeting will be held on June 20, 2018, from 8:30 a.m. to 5:00 p.m. ET. Members of the public who wish to attend in person should register no later than June 15, 2018. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, may notify PHMSA by June 15, 2018. For additional information, see the **ADDRESSES** section.

ADDRESSES: The meeting will be held at a location yet to be determined in the Washington, DC Metropolitan area. The meeting location, agenda and any additional information will be published on the following VIS Working Group and registration page at: *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=134*.

The meetings will not be webcast; however, presentations will be available on the meeting website and posted on the E-Gov website, *https://www.regulations.gov/,* under docket number PHMSA–2016–0128 within 30 days following the meeting.

Public Participation: This meeting will be open to the public. Members of the public who attend in person will also be provided an opportunity to make a statement during the meetings.

Written Comments: Persons who wish to submit written comments on the meetings may submit them to the docket in the following ways:

E-Gov Website: https://www.regulations.gov. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: Room W12–140 on the ground level of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except on Federal holidays.

Instructions: Identify the docket number PHMSA–2016–0128 at the beginning of your comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

Anyone can 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.). Therefore, consider reviewing DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477), or view the Privacy Notice at *https://www.regulations.gov* before submitting comments.

Docket: For docket access or to read background documents or comments, go to *https://www.regulations.gov* at any time or to Room W12–140 on the ground level of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on PHMSA–2016–0128.'' The docket clerk will date stamp the postcard prior to returning it to you via the U.S. mail.

Privacy Act Statement

DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Services for Individuals with Disabilities: The public meeting will be physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Cheryl Whetsel at *cheryl.whetsel@dot.gov.*

FOR FURTHER INFORMATION CONTACT: For information about the meeting, contact Cheryl Whetsel by phone at 202–366–4431 or by email at *cheryl.whetsel@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The VIS Working Group is an advisory committee established in accordance with Section 10 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016 (Pub. L. 114–183), the Federal Advisory Committee Act of 1972 (5 U.S.C., App. 2, as amended), and 41 CFR 102–3.50(a).

II. Meeting Details and Agenda

The VIS Working Group agenda will include briefings on topics such as mandate requirements, integrity management, data types and tools, in-line inspection repair and other direct assessment methods, geographic information system implementation, subcommittee considerations, lessons learned, examples of existing information-sharing systems, safety management systems, and more. As part of its work, the committee will ultimately provide recommendations to the Secretary, as required and specifically outlined in Section 10 of Public Law 114–183, addressing:

(a) The need for, and the identification of, a system to ensure that dig verification data are shared with in-line inspection operators to the extent consistent with the need to maintain proprietary and security-sensitive data in a confidential manner to improve pipeline safety and inspection technology;

(b) Ways to encourage the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis;

(c) Opportunities to share data, including dig verification data between operators of pipeline facilities and in-line inspector vendors to expand knowledge of the advantages and disadvantages of the different types of in-line inspection technology and methodologies;

(d) Options to create a secure system that protects proprietary data while encouraging the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis;

(e) Means and best practices for the protection of safety and security-sensitive information and proprietary information; and

(f) Regulatory, funding, and legal barriers to sharing the information described in paragraphs (a) through (d).

The Secretary will publish the VIS Working Group's recommendations on a publicly available DOT website and in the docket. The VIS Working Group will fulfill its purpose once its recommendations are published online.

PHMSA will publish the agenda on the PHMSA meeting page *https://primis.phmsa.dot.gov/meetings/MtgHome.mtg?mtg=134,* once it is finalized.

Issued in Washington, DC, on April 9, 2018, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2018–08215 Filed 4–18–18; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Qualified Severance of a Trust for Generation-Skipping Transfer (GST) Tax Purposes

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning information collection requirements related to the guidance regarding the qualified severance of a trust for generation-skipping transfer (GST) tax purposes.

DATES: Written comments should be received on or before June 18, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Roberto Mora-Figueroa, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Qualified Severance of a Trust for Generation-Skipping Transfer (GST) Tax Purposes.

OMB Number: 1545–1902.

Agency Number: TD 9348; TD 9421.

Abstract: In general, if a trust is divided in a qualified severance into two or more trusts, the separate trusts resulting from the severance will be treated as separate trusts for generation-skipping transfer (GST) tax purposes and the inclusion ratio of each new resulting trust may differ from the inclusion ratio of the original trust. The regulations provide guidance regarding the qualified severance of a trust for generation skipping transfer (GST) tax purposes under section 2642(a)(3) of the Internal Revenue Code.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 650.

Estimated Time per Respondent: 2 Hours 8 minutes.

Estimated Total Annual Burden Hours: 1,352.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or

included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: April 10, 2018.

R. Joseph Durbala,

IRS, Tax Analyst.

[FR Doc. 2018–08146 Filed 4–18–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Credit for Renewable Electricity Production and Refined Coal Production, and Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 2018

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Publication of inflation adjustment factor and reference prices for calendar year 2018.

SUMMARY: The 2018 inflation adjustment factor and reference prices are used in determining the availability of the credit for renewable electricity production and refined coal production under section 45.

DATES: The 2018 inflation adjustment factor and reference prices apply to calendar year 2018 sales of kilowatt hours of electricity produced in the United States or a possession thereof from qualified energy resources and to 2018 sales of refined coal produced in the United States or a possession thereof.

FOR FURTHER INFORMATION CONTACT: Martha M. Garcia, CC:PSI:6, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, (202) 317–6853 (not a toll-free number).

SUPPLEMENTARY INFORMATION: Publication of the inflation adjustment factor and reference prices is required by sections 45(e)(2)(A) (26 U.S.C. 45(e)(2)(A)) and 45(e)(8)(C) (26 U.S.C. 45(e)(8)(C)) of the Internal Revenue Code.

Inflation Adjustment Factor: The inflation adjustment factor for calendar year 2018 for qualified energy resources and refined coal is 1.6072.

Reference Prices: The reference price for calendar year 2018 for facilities producing electricity from wind is 4.85 cents per kilowatt hour. The reference prices for fuel used as feedstock within the meaning of section 45(c)(7)(A) (relating to refined coal production) are $31.90 per ton for calendar year 2002 and $49.69 per ton for calendar year 2018. The reference prices for facilities producing electricity from closed-loop biomass, open-loop biomass, geothermal energy, small irrigation power, municipal solid waste, qualified hydropower production, and marine and hydrokinetic renewable energy have not been determined for calendar year 2018.

Phaseout Calculation: Because the 2018 reference price for electricity produced from wind (4.85 cents per kilowatt hour) does not exceed 8 cents multiplied by the inflation adjustment factor (1.6072), the phaseout of the credit provided in section 45(b)(1) does not apply to such electricity sold during calendar year 2018. Because the 2018 reference price of fuel used as feedstock for refined coal ($49.69) does not exceed $87.16 (which is the $31.90 reference price of such fuel in 2002 multiplied by the inflation adjustment factor (1.6072) and 1.7), the phaseout of the credit provided in section 45(e)(8)(B) does not apply to refined coal sold during calendar year 2018. Further, for electricity produced from closed-loop biomass, open-loop biomass, geothermal energy, small irrigation power, municipal solid waste, qualified hydropower production, and marine and hydrokinetic renewable energy, the phaseout of the credit provided in section 45(b)(1) does not apply to such electricity sold during calendar year 2018.

Credit Amount by Qualified Energy Resource and Facility and Refined Coal: As required by section 45(b)(2), the 1.5 cent amount in section 45(a)(1), and the $4.375 amount in section 45(e)(8)(A) are each adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount is rounded to the nearest multiple of 0.1 cent. In the case of electricity produced in open-loop biomass facilities, small irrigation power facilities, landfill gas facilities, trash facilities, qualified hydropower facilities, and marine and hydrokinetic renewable energy facilities, section 45(b)(4)(A) requires the amount in effect under section 45(a)(1) (before rounding to the nearest 0.1 cent) to be reduced by one-half. Under the calculation required by section 45(b)(2), the credit for renewable electricity production for calendar year 2018 under section 45(a) is 2.4 cents per kilowatt hour on the sale of electricity produced from the qualified energy resources of wind, closed-loop biomass, geothermal energy, and 1.2 cents per kilowatt hour on the sale of electricity produced in open-loop biomass facilities, small irrigation power facilities, landfill gas facilities, trash facilities, qualified hydropower facilities, and marine and hydrokinetic renewable energy facilities. Under the calculation required by section 45(b)(2), the credit for refined coal production for calendar year 2018 under section 45(e)(8)(A) is $7.03 per ton on the sale of qualified refined coal.

Christopher T. Kelley,

Special Counsel, Passthroughs and Special Industries.

[FR Doc. 2018–08201 Filed 4–18–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Disability Compensation, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the Advisory Committee on Disability Compensation (Committee) will meet on May 22–23, 2018. The Committee will meet at 1800 G Street NW, Washington, DC 20006. The meeting will be held on the Fourth Floor in Conference Room 420–H. The meetings are open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities. The Committee is to assemble and review relevant information relating to the nature and character of disabilities arising during service in the Armed Forces, provide an ongoing assessment of the effectiveness of the rating schedule, and give advice on the most appropriate means of responding to the needs of Veterans relating to disability compensation.

On May 22, 2018, the sessions will begin at 7:30 a.m. and end at 3:00 p.m. EST. On May 23, 2018 the sessions will begin at 7:30 a.m. and end at 4:30 p.m. EST. On both days, the Committee will receive briefings on issues related to compensation for Veterans with service-connected disabilities and on other VA benefits programs. Time will be allocated for receiving public comments. Public comments will be limited to three minutes each. Individuals wishing to make oral statements before the Committee will be accommodated on a first-come, first-served basis. Individuals who speak are invited to submit 1–2 page summaries of their comments at the time of the meeting for inclusion in the official meeting record.

The public may submit written statements for the Committee's review to Stacy Boyd, Department of Veterans Affairs, Veterans Benefits Administration, Compensation Service, Policy Staff (211A), 810 Vermont Avenue NW, Washington, DC 20420 or email at *Stacy.Boyd@va.gov.* Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the screening process. Due to an increase in security protocols, you should allow an additional 30 minutes before the meeting begins. Routine escort will be provided until 8:00 a.m. each day. Any member of the public wishing to attend the meeting or seeking additional information should email Stacy Boyd or call her at (202) 461–9580.

Dated: April 16, 2018.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2018–08216 Filed 4–18–18; 8:45 am]

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