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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 905 and 944

[Doc. No. AMS–SC–17–0063; SC17–905–1 FIR]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim rule implementing a recommendation from the Citrus Administrative Committee (Committee) to relax the minimum size requirements currently prescribed under the marketing order for oranges, grapefruit, tangerines, and pummelos grown in Florida and the grapefruit import regulation. The interim rule relaxed the minimum size requirement for domestic shipments and imports of grapefruit from 3 5/16 inches to 3 inches in diameter.

DATES: Effective April 24, 2018.

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

Small businesses may obtain information on complying with this and other marketing order regulations by viewing a guide at the following website: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses;* or by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@ams.usda.gov*.

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

This rule is also issued under section 8e of the Act, which provides that whenever certain specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities.

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 13563 and 13175. This rule falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

The handling of oranges, grapefruit, tangerines, and pummelos grown in Florida is regulated by the Order. Prior to this change, the minimum size requirement for domestic and export shipments of grapefruit was 3 5/16 inches. The reduction in size requirement to 3 inches in diameter was established to meet both a market demand for small-sized grapefruit, as well as a general market shortage of citrus. Losses of citrus production in Florida due to citrus greening and damage caused by Hurricane Irma, have resulted in an overall market shortage of citrus fruit. Therefore, this rule continues in effect the rule that relaxed the minimum size requirement for grapefruit from 3 5/16 inches to 3 inches in diameter.

In an interim rule published in the **Federal Register** on November 21, 2017, and effective on November 24, 2017, (82 FR 55305, Doc. No. AMS–SC–17–0063; SC17–905–1 IR), §§ 905.306 and 944.106 were amended by changing the minimum diameter for grapefruit from 3 5/16 inches to 3 inches in diameter. The change in the size requirements will allow more grapefruit into the market and help maximize shipments.

Final Regulatory Flexibility Analysis

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

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

There are approximately 20 handlers of Florida citrus who are subject to regulation under the Order and approximately 500 citrus producers in the regulated area. There are approximately 50 citrus importers. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,500,000, and small agricultural producers are defined as those having annual receipts of less than $750,000 (13 CFR 121.201).

According to data from the National Agricultural Statistics Service (NASS), the industry, and the Committee, the average f.o.b. price for Florida grapefruit during the 2016–17 season was $29.40 per box, and total fresh grapefruit shipments were approximately 3.2 million boxes. Using the average f.o.b.

price and shipment data, the majority of Florida grapefruit handlers could be considered small businesses under SBA's definition ($29.40 times 3.2 million boxes equals $94.1 million divided by 20 handlers equals $4.7 million per handler). In addition, based on NASS data, the average grower price for the 2016–17 season was $16.02 per box. Based on grower price, shipment data, and the total number of Florida citrus growers, the average annual grower revenue is below $750,000 ($16.02 times 3.2 million boxes equals $51,264,000 divided by 500 producers equals $102,528 per handler). Information from the Foreign Agricultural Service, USDA, indicates that the dollar value of imported fresh grapefruit was approximately $11.2 million in 2016. Using this value and the number of importers (approximately 50), most importers would have annual receipts of less than $7,500,000 for grapefruit. Thus, the majority of handlers, producers, and importers of grapefruit may be classified as small entities.

South Africa, Peru, and Mexico are the major grapefruit-producing countries exporting grapefruit to the United States. In 2016, shipments of grapefruit imported into the United States totaled approximately 24,000 metric tons.

This rule continues in effect the action that reduced the minimum size requirements for grapefruit covered under the Order and imported grapefruit from 3 5/16 inches to 3 inches in diameter. This change is expected to maximize shipments by allowing more grapefruit to be shipped to the fresh market while providing greater flexibility to handlers and importers. Further, it helps reduce the losses sustained by the grapefruit industry as a result of citrus greening and Hurricane Irma. This rule amends the provisions of §§ 905.306 and 944.106. Authority for the change is provided in § 905.52. The change in the import regulation is required under section 8e of the Act.

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

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

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189, ''Generic Fruit Crops.'' No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This action imposes no additional reporting or recordkeeping requirements on either small or large grapefruit handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

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

Comments on the interim rule were required to be received on or before January 22, 2018. One comment was received during the comment period. The Commenter was in favor of the regulation, and stated that both producers and consumers would benefit from this action.

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

To view the interim rule, go to: *https://www.regulations.gov/document?D=AMS-SC-17-0063-0001*.

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

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this final rule.

After consideration of all relevant material presented, it is found that finalizing the interim rule, without change, as published in the **Federal Register** (82 FR 55305, November 21, 2017) will tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 905

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

7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

Accordingly, the interim rule that amended 7 CFR parts 905 and 944 and that was published at 82 FR 55305 on November 21, 2017, is adopted as a final rule, without change.

Dated: April 18, 2018.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2018–08424 Filed 4–20–18; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 324

RIN 3064–AE12

Regulatory Capital Rules: Regulatory Capital, Final Revisions Applicable to Banking Organizations Subject to the Advanced Approaches Risk-Based Capital Rule

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule; technical amendment.

SUMMARY: The FDIC is issuing this technical amendment to return text to its regulations that was altered due to a procedural error that allowed a 2014 rule to become effective on January 1, 2018. FDIC did not intend for the 2014 rule to become effective but did not rescind it before its effective date. This rule returns text to a section on capital measures and capital category definitions as it appeared before the codification of the 2014 rule.

DATES: April 23, 2018 and applicable beginning April 15, 2016.

FOR FURTHER INFORMATION CONTACT: Valerie J. Best, Supervisory Counsel (Assistant Executive Secretary), *vbest@fdic.gov,* ph. 202–898–3812; or Michael Phillips, Counsel, *mphillips@fdic.gov;* Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: This document sets out the text of § 324.403(b)(1)(v) as adopted by the FDIC Board of Directors on June 16, 2015. This technical correction is needed to rescind the impact of a delayed effective date initially prescribed in 2014. On April 8, 2014, the FDIC issued revisions to § 324.403(b)(1)(v), with a delayed effective date of January 1, 2018. 79 FR 24528 at 24541 (May 1, 2014). On July 15, 2015, the FDIC revised § 324.403(b)(1)(i) through (vi). 80 FR 41409 at 41426 (July 15, 2015). In the 2015 **Federal Register** the FDIC specified an effective date of October 1, 2015, but did not specifically rescind the delayed effective date prescribed in the 2014 **Federal Register**. On April 12, 2016, the FDIC issued a correcting amendment with respect to § 324.403 but, again, did not specifically rescind the delayed effective date prescribed in the 2014 **Federal Register**. Because the FDIC did not specifically rescind the delayed effective date, when the delayed effective date occurred on January 1, 2018, the text of § 324.403(b)(1)(v) reverted to the text as it appeared in the 2014 **Federal Register**. But, because the FDIC Board had adopted revisions to the text of § 324.403(b)(1)(v) and (vi) in 2015, as illustrated in the 2015 and 2016 **Federal Register**s, the effect, if uncorrected, is that the text of paragraph (v) duplicates the text of paragraph (vi).

List of Subjects in 12 CFR Part 324

Administrative practice and procedure, Banks, Banking, Capital adequacy, Reporting and recordkeeping requirements, Savings associations, State non-member banks.

12 CFR CHAPTER III

Authority and Issuance

For the reasons stated in the preamble, the Federal Deposit Insurance Corporation amends part 324 of chapter III of Title 12, Code of Federal Regulations as follows:

PART 324—CAPITAL ADEQUACY

■ 1. The authority citation for part 324 continues to read as follows:

Authority: 12 U.S.C. 1815(a), 1815(b), 1816, 1818(a), 1818(b), 1818(c), 1818(t), 1819 (Tenth), 1828(c), 1828(d), 1828(i), 1828(n), 1828(o), 1831o, 1835, 3907, 3909, 4808; 5371; 5412; Pub. L. 102–233, 105 Stat. 1761, 1789, 1790 (12 U.S.C. 1831n note); Pub. L. 102–242, 105 Stat. 2236, 2355, as amended by Pub. L. 103–325, 108 Stat. 2160, 2233 (12 U.S.C. 1828 note); Pub. L. 102–242, 105 Stat. 2236, 2386, as amended by Pub. L. 102–550, 106 Stat. 3672, 4089 (12 U.S.C. 1828 note); Pub. L. 111–203, 124 Stat. 1376, 1887 (15 U.S.C. 78o–7 note).

■ 2. In § 324.403, revise paragraph (b)(1)(v) to read as follows:

§ 324.403 Capital measures and capital category definitions.

* * * * *

(b) * * *

(1) * * *

(v) Is not subject to any written agreement, order, capital directive, or prompt corrective action directive issued by the FDIC pursuant to section 8 of the FDI Act (12 U.S.C. 1818), the International Lending Supervision Act of 1983 (12 U.S.C. 3907), or the Home Owners' Loan Act (12 U.S.C. 1464(t)(6)(A)(ii)), or section 38 of the FDI Act (12 U.S.C. 1831o), or any regulation thereunder, to meet and maintain a specific capital level for any capital measure; and

* * * * *

Dated at Washington, DC, on April 17, 2018.

Federal Deposit Insurance Corporation.

Valerie Best,

Assistant Executive Secretary.

[FR Doc. 2018–08359 Filed 4–20–18; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0237; Product Identifier 2017–SW–145–AD; Amendment 39–19254; AD 2018–08–01]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Airbus Helicopters Model EC225LP helicopters. This AD requires inspecting each main rotor rotating swashplate (swashplate) control rod attachment yoke (yoke). This AD is prompted by a finding that the yoke is susceptible to cracking. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD becomes effective May 8, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of May 8, 2018.

We must receive comments on this AD by June 22, 2018.

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

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0237; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for Docket Operations (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0237.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *matthew.fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that resulted from adopting this AD. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking during the comment period. We will consider all the comments we receive and may conduct additional rulemaking based on those comments.

Discussion

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2017–0191R2, dated December 15, 2017, to correct an unsafe condition for Airbus Helicopters Model EC 225 LP helicopters with swashplate part number (P/N) 332A31–3074–00 or P/N 332A31–3074–01 installed. EASA advises of a finding by Airbus Helicopters that the yoke is susceptible to cracking due to strain aging of the metal. EASA advises that this condition, if not detected and corrected, could lead to structural failure of a yoke, possibly resulting in loss of control of the helicopter.

Accordingly, the EASA AD requires, for swashplates that are seven or more years old, a recurring inspection of the five yokes for a crack and a one-time inspection of the yokes for corrosion and a crack. If there is a crack or corrosion on a yoke, the EASA AD requires replacing the swashplate or repairing and reworking the yokes.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of the same type design.

Related Service Information Under 1 CFR Part 51

Airbus Helicopters has issued one document that co-publishes two Emergency Alert Service Bulletin (EASB) identification numbers: No. 05A051 for Model EC225LP helicopters and No. 05A046 for non-FAA type-certificated Model EC725AP helicopters, both Revision 1 and both dated November 16, 2017. Airbus Helicopters EASB No. 05A051 is incorporated by reference in this AD. Airbus Helicopters EASB No. 05A046 is not incorporated by reference in this AD.

This service information specifies inspections for certain serial-numbered swashplate P/N 332A31–3074–00 and P/N 332A31–3074–01. This service information specifies a repetitive inspection of the yokes for a crack and a one-time inspection of the stripped yokes for corrosion and a crack. If in doubt about whether there is a crack, this service information specifies performing a non-destructive inspection. This service information also specifies touching up the swashplate if there is corrosion, removing any damage within allowable limits, and refinishing the yokes. If there is a crack in a yoke, this service information specifies replacing the swashplate.

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

AD Requirements

This AD requires a repetitive visual inspection of the five yokes for a crack every 15 hours time-in-service (TIS), and replacing the swashplate if there is a crack in any of the yokes.

Differences Between This AD and the EASA AD

The EASA AD specifies performing a non-destructive inspection if in doubt about if there is a crack and removing damage within allowable limits, whereas this AD does not. The EASA AD also specifies stripping the yokes and performing a one-time inspection within 100 hours TIS for corrosion and a crack, and this AD does not. We plan to publish a notice of proposed rulemaking to give the public an opportunity to comment on this long-term requirement.

Costs of Compliance

We estimate that this AD affects 5 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour.

Inspecting the yokes takes about 0.25 work-hour for an estimated cost of $21 per helicopter and $105 for the U.S. fleet per inspection cycle. Replacing a swashplate takes about 6 work-hours and parts cost about $82,000 for an estimated cost of $82,510 per helicopter.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because the required corrective action must be completed within 15 hours TIS. Therefore, we find good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reason stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

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

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

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

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

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–08–01 Airbus Helicopters: Amendment 39–19254; Docket No. FAA–2018–0237; Product Identifier 2017–SW–145–AD.

(a) Applicability

This AD applies to Model EC225LP helicopters, certificated in any category, with a main rotor (M/R) rotating swashplate (swashplate) part number (P/N) 332A31–3074–00 or P/N 332A31–3074–01 with a serial number listed in Appendix 4.A. of Airbus Helicopters Emergency Alert Service Bulletin No. 05A051, Revision 1, dated November 16, 2017 (EASB 05A051).

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in a swashplate control rod attachment yoke (yoke). This condition could result in failure of the yoke, loss of M/R control, and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective May 8, 2018.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

Within 15 hours time-in-service (TIS) and thereafter at intervals not to exceed 15 hours TIS, visually inspect each yoke for a crack, paying particular attention to the areas shown in Details B, C, and D of Figure 1 of EASB 05A051. If there is a crack on a yoke, before further flight, replace the swashplate.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Section, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2017–0191R2, dated December 15, 2017. You may view the EASA AD on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2018–0237.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6230 Main Rotor Mast/Swashplate.

(i) Material Incorporated by Reference

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

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

(i) Airbus Helicopters Emergency Alert Service Bulletin (EASB) No. 05A051, Revision 1, dated November 16, 2017.

Note 1 to paragraph (i)(2)(i): Airbus Helicopters EASB No. 05A051, Revision 1, dated November 16, 2017, is co-published as one document along with Airbus Helicopters EASB No. 05A046, Revision 1, dated November 16, 2017, which is not incorporated by reference in this AD.

(ii) Reserved.

(3) For Airbus Helicopter's service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.helicopters.airbus.com/website/en/ref/Technical_Support_73.html.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Fort Worth, Texas, on April 11, 2018.

Scott A. Horn,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2018–08096 Filed 4–20–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

31 CFR Part 148

RIN 1505–AC57

Qualified Financial Contracts Recordkeeping Related to Orderly Liquidation Authority

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Secretary of the Treasury (the ''Secretary''), as Chairperson of the Financial Stability Oversight Council, in consultation with the Federal Deposit Insurance Corporation (the ''FDIC''), is adopting a final rule that extends the compliance dates of the regulation implementing the qualified financial contract (''QFC'') recordkeeping requirements of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act'' or the ''Act'').

DATES: The final rule is effective May 23, 2018.

FOR FURTHER INFORMATION CONTACT: Brian Smith, Director, Office of Capital Markets, (202) 622–0157; Peter Nickoloff, Financial Economist, Office of Capital Markets, (202) 622–1692; Steven D. Laughton, Assistant General Counsel (Banking & Finance), (202) 622–8413; or Stephen T. Milligan, Attorney-Advisor, (202) 622–4051.

SUPPLEMENTARY INFORMATION: On October 31, 2016, the Secretary published a final regulation pursuant to section 210(c)(8)(H) of the Dodd-Frank

Act requiring certain financial companies to maintain records with respect to their QFC positions, counterparties, legal documentation, and collateral that would assist the FDIC as receiver in exercising its rights and fulfilling its obligations under Title II of the Act.[1] On December 28, 2017, the Secretary published a notice of proposed rulemaking that would extend the compliance dates of the regulation.[2]

The regulation currently provides for staggered compliance dates for the bulk of the recordkeeping requirements as follows. The regulation generally provides that records entities with $1 trillion or more in total consolidated assets have 540 days (approximately 18 months) after the effective date to comply with the regulation; that records entities with total assets equal to or greater than $500 billion (but less than $1 trillion) have two years from the effective date to comply with the regulation; that records entities with total assets equal to or greater than $250 billion (but less than $500 billion) have three years from the effective date to comply with the regulation; and that all other records entities have four years from the effective date to comply with the regulation.[3] Given that the effective date is December 30, 2016, the first of these compliance dates is currently June 23, 2018.

Separately, the regulation provides that a records entity may request an exemption from one or more of the regulation's requirements and that the Secretary may grant conditional or unconditional exemptions from the regulation's requirements after receiving a recommendation from the FDIC, prepared in consultation with the relevant primary financial regulatory agencies (as defined in the regulation).[4] Since the regulation became effective, the Secretary, the FDIC, and the primary financial regulatory agencies have received requests for exemptions from the requirements of the regulation for certain types of records entities within a corporate group and certain types of QFCs. These exemption requests are currently subject to review by the Secretary, the FDIC, and the primary financial regulatory agencies.

In light of the pending exemption requests and the Administration's general policy of alleviating unnecessary regulatory burdens,[5] the Secretary, in consultation with the FDIC, proposed a six-month extension of the compliance dates in the regulation. The Secretary specifically requested comment on whether the compliance dates should be extended and, if so, whether six months is the proper length for the extension and whether an extension should be given only with respect to records entities in the first compliance tier, *i.e.,* those records entities that currently have a June 23, 2018 compliance date.

The Secretary received one substantive comment regarding the proposed rule.[6] The Clearing House Association L.L.C. and the Securities Industry and Financial Markets Association, which represent certain institutions that are records entities under the rule, wrote together to express their strong support for a proposed extension.[7] These commenters recommended a nine month extension for all records entities noting that such an extension would afford records entities enough time to reflect the Secretary's determinations as to the pending exemption requests in their efforts to comply with the regulation.

In support of their request for extension of the compliance dates, the commenters cited the resources being expended to develop systems to collect information in the specific formats required by the rule and the changes that will have to be made to the plans for those compliance efforts once determinations as to the exemption requests are made. The commenters also cited concurrent efforts by records entities to come into compliance with other regulatory requirements regarding QFCs recently adopted by other federal financial regulators.

Although the Secretary recognizes the importance of the QFC recordkeeping requirements, the Secretary continues to believe that it would impose an unnecessary burden on records entities to require their compliance with the regulation before the scope of their recordkeeping responsibilities is determined. An extension of the compliance dates is appropriate pending the Secretary's decisions whether to grant, in whole or in part, conditional or unconditional exemptions based on the exemption requests received to date, and to allow adequate time for records entities to prepare for compliance once the exemption requests are resolved.

Specifically, the Secretary has determined to amend the regulations to extend the compliance date by approximately nine months for records entities in the first compliance tier. Based on the substantive comment received in response to the proposed rule, the Secretary believes that this extension will allow sufficient time for such records entities to comply with the rule after determinations have been made with respect to the exemption requests. The Secretary has determined to extend the compliance dates for all other records entities by six months, as was proposed. Based on the substantive comment received in response to the proposed rule, the Secretary believes this additional time will permit records entities in each compliance tier to adjust their plans and budgets for compliance once the determinations as to the exemption requests are made while maintaining the staggered approach that was adopted by the Secretary with respect to the original compliance dates. That staggered approach was adopted not only on the understanding that larger entities will generally have greater capacity to apply to the task of coming into initial compliance with the rules but also because of the anticipated need to provide guidance to records entities as they work to come into compliance with the rules.[8] Maintaining the staggered compliance schedule will permit staff of the Department of the Treasury and the FDIC to allocate their resources to more efficiently provide any needed guidance to records entities in each compliance tier.

Administrative Law Matters

1. Regulatory Flexibility Act

This final rule will not impose any additional burden on any records entities; rather, it would reduce the existing regulatory burden by extending the periods in which records entities have to comply with the regulation's requirements. For this reason and as discussed further in the release of the 2016 final regulation, the Secretary certifies, pursuant to 5 U.S.C. 605(b), that this final rule will not have a significant economic impact on a substantial number of small entities under the Small Business Administration's most recently revised standards for small entities, which went into effect on October 1, 2017.

2. Executive Order 12866

This final rule is not a significant regulatory action as defined in section 3.f of Executive Order 12866.

[1] 81 FR 75624 (Oct. 31, 2016).

[2] 82 FR 61505 (Dec. 28, 2017).

[3] 31 CFR 148.1(d)(1)(i).

[4] 31 CFR 148.3(c)(4).

[5] *See* Executive Order No. 13771, Reducing Regulation and Controlling Regulatory Costs, section 1, 82 FR 9339 (Feb. 3, 2017); Executive Order No. 13777, Enforcing the Regulatory Reform Agenda, section 1, 82 FR 12285 (Mar. 1, 2017).

[6] The Secretary received a total of four comments; however, three of the comments were not germane to the proposed rule.

[7] Letter of January 29, 2018.

[8] *See* 81 FR at 75634.

3. Executive Order 13771

While the cost savings of the rule cannot be estimated at this time, this final rule is considered a deregulatory action under Executive Order 13771.[9]

List of Subjects in 31 CFR Part 148

Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set forth in the preamble, the Department of the Treasury amends part 148 to 31 CFR as follows:

PART 148—QUALIFIED FINANCIAL CONTRACTS RECORDKEEPING RELATED TO THE FDIC ORDERLY LIQUIDATION AUTHORITY

■ 1. The authority citation for part 148 continues to read as follows:

Authority: 31 U.S.C. 321(b) and 12 U.S.C. 5390(c)(8)(H).

■ 2. Amend § 148.1 by revising paragraphs (d)(1)(i) introductory text, (d)(1)(i)(A) introductory text, (d)(1)(i)(B) introductory text, (d)(1)(i)(C) introductory text, and (d)(1)(i)(D) to read as follows:

§ 148.1 Scope, purpose, effective date, and compliance dates.

* * * * *

(d) * * *

(1) * * *

(i) A records entity subject to this part on the effective date must comply with § 148.3(a)(2) on the date that is 90 days after the effective date and with all other applicable requirements of this part on:

(A) March 31, 2019 for a records entity that:

* * * * *

(B) June 30, 2019 for any records entity that is not subject to the compliance date set forth in paragraph (d)(1)(i)(A) of this section and:

* * * * *

(C) June 30, 2020 for any records entity that is not subject to the compliance dates set forth in paragraph (d)(1)(i)(A) or (B) of this section and:

* * * * *

(D) June 30, 2021 for any records entity that is not subject to the compliance dates set forth in paragraph (d)(1)(i)(A), (B), or (C) of this section.

* * * * *

Dated: April 13, 2018.

Clay Berry,

Deputy Assistant Secretary for Financial Markets.

[FR Doc. 2018–08388 Filed 4–20–18; 8:45 am]

BILLING CODE 4810–25–P

[9] 82 FR 9339 (Feb. 3, 2017).

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2018–0154]

RIN 1625–AA08

Special Local Regulation; USS PORTLAND Commissioning, Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary regulated area for certain waters of the Willamette River. This action is necessary to provide for the safety of life on these navigable waters near Port of Portland Terminal 2, Portland, OR, during a naval vessel commissioning ceremony on April 14 through 23, 2018. This regulation prohibits persons and vessels from being in the regulated area unless authorized by the Captain of the Port Columbia River or a designated representative.

DATES: This rule is effective from 12:01 a.m. to 11:59 p.m. on April 23, 2018. For the purposes of enforcement, actual notice will be used from 11:59 p.m. on April 14, 2018, until April 23, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0154 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Laura Springer, MSU Portland Waterways; telephone 503–240–9319, email *msupdxwwm@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

From April 14 through 23, 2018, the U.S. Navy will be conducting ceremonial activities for the commissioning of the USS PORTLAND. The commissioning activities will take place at the Port of Portland Terminal 2.

In response, on March 21, 2018, the Coast Guard published a notice of proposed rulemaking (NPRM) titled ''Special Local Regulation; USS PORTLAND Commissioning, Portland, OR'' (83 FR 12303). There we proposed to establish a regulated area extending approximately 500 yards on each side of the naval vessel on the Willamette River in Portland, OR during the commissioning ceremonies and invited comments on our proposed regulatory action related to this event. During the comment period that ended April 5, 2018, we received 3 comments.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because it needs to be effective starting April 14, 2018 to ensure the safety of vessels and the navigable waters within the regulated area during the ceremonial activities and to prevent any disruption to the commissioning ceremonies.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1233. The Captain of the Port Sector Columbia River (COTP) has determined that to provide for the safety of participants, spectators, support and transiting vessels, it is necessary to temporarily restrict vessel traffic from April 14 through 23, 2018. The purpose of this rule is to ensure the safety of vessels and the navigable waters within the regulated area, during, and after the scheduled event and to prevent any disruption to the commissioning ceremonies.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received three comments on our NPRM published March 21, 2018 (83 FR 12303). The first comment was in support of the regulated area. The second comment was from a yacht club requesting clarification for transiting the regulated area. Vessels desiring to transit the regulated area will be able with approval from the patrol commander. This issue was addressed in the published proposed regulatory text. Procedures for transiting the area will also be published in the Local Notice to Mariners. The third comment was beyond the scope of this rulemaking. We made no changes in the regulatory text from what we proposed in the NPRM.

This rule establishes a regulated area from 11:59 p.m. on April 14, 2018, to 11:59 p.m. on April 23, 2018. The

regulated area will cover navigable waters at Port of Portland Terminal 2 on the Willamette River. Specifically, the navigable waters bounded by the following points: 45°33.34′ N, 122° 42.34′ W; 45°33.12′ N, 122°42.51′ W; 45°32.71′ N, 122°41.37′ W; and 45°32.58′ N, 122°41.54′ W. The duration of the regulated area is intended to ensure the safety of vessels, bystanders, and the navigable waters and to prevent any disruption of the events associated with the commissioning ceremony of the USS PORTLAND. The Coast Guard, at its discretion, would allow the passage of affected vessels. But no vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the regulated area. Although this proposal would prevent traffic from transiting portions of the Willamette River, the effect of this regulation would not be significant due to the limited duration that the regulated area would be in effect and would allow waterway users to enter or transit through the area when deemed safe by the on-scene patrol commander. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 and publish information in the Local Notice to Mariners about the regulated area.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard 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 regulated area may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

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 regulated area lasting less than 10 days that would limit entry within approximately 500 yards of the USS PORTLAND. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Memorandum for Record supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233; 33 CFR 1.05–1.

■ 2. Add § 100.T13–0154 to read as follows:

§ 100.T13–0154 Special Local Regulations; USS PORTLAND Commissioning, Portland, OR.

(a) *Regulated area.* The following area is designated as a regulated area: All navigable waters of the Willamette River within 500 yards of the USS PORTLAND while moored at the Port of Portland Terminal 2, specifically the navigable waters bounded by the following points: 45°33.34′ N, 122°42.34′ W; 45°33.12′ N, 122°42.51′ W; 45°32.71′ N, 122°41.37′ W; and 45°32.58′ N, 122°41.54′ W.

(b) *Special local regulations.* (1) The Coast Guard may patrol the regulated area under the direction of a designated Coast Guard Patrol Commander (PATCOM). PATCOM may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM.'' Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the Captain of the Port, Sector Columbia River.

(2) Entrance into the regulated area is prohibited unless authorized by the PATCOM. The PATCOM may control the movement of all vessels in the regulated area. When hailed or signaled to stop by an official patrol vessel, a vessel must come to an immediate stop and comply with the lawful directions issued. Failure to comply with a lawful direction may result in expulsion from the area, citation for failure to comply, or both.

(3) All vessels permitted to transit the regulated area must maintain a separation of at least 100 yards away from the USS PORTLAND.

(c) *Enforcement period.* This regulated area is subject to enforcement from 11:59 p.m. on April 14, 2018 to 11:59 p.m. on April 23, 2018.

Dated: April 11, 2018.

D.G. Throop,

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

[FR Doc. 2018–08413 Filed 4–20–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0298]

Drawbridge Operation Regulation; Harlem River, Bronx, New York

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Broadway Bridge across the Harlem River, mile 6.8, at Bronx, New York. This temporary deviation is necessary to allow the bridge to remain in the closed-to-navigation position to facilitate the replacement of track panels.

DATES: This deviation is effective from 6 a.m. on April 28, 2018, to 5 p.m. on May 13, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0298 is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Judy Leung-Yee, Project Officer, First Coast Guard District, telephone 212–514–4330, email *Judy.K.Leung-yee@uscg.mil.*

SUPPLEMENTARY INFORMATION: New York City Transit, the owner of the bridge, requested a temporary deviation from the normal operating schedule to facilitate the replacement of track panels. The Broadway Bridge across the Harlem River, mile 6.8, has a vertical clearance in the closed position of 24 feet at mean high water and 29 feet at mean low water. The existing bridge operating regulations are listed at 33 CFR 117.789(b)(1).

Under this temporary deviation, the Broadway Bridge shall remain in the closed position between 6 a.m. and 7 p.m. on April 28, May 5 and May 12, 2018; and between 6 a.m. and 5 p.m. on April 29, May 6 and May 13, 2018.

The waterway is transited by commercial and recreational traffic. The Coast Guard notified known commercial vessel operators that transit the area, including the Sandy Hook Pilots and the local Tug/Tow Committee; there were no objections to this temporary deviation. Vessels able to pass under the bridge in the closed position may do so at any time. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass.

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

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

Dated: April 17, 2018

Christopher J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2018–08372 Filed 4–20–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 140818679–5356–02]

RIN 0648–XG060

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; 2018 Recreational Fishing Seasons for Red Snapper in the Gulf of Mexico

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces the 2018 recreational fishing seasons for the private angling and Federal charter vessel/headboat (for-hire) components for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) through this temporary rule. The Federal recreational season for red snapper in the Gulf EEZ begins at 12:01 a.m., local time, on June 1, 2018. For recreational harvest by the private angling component, the season closes at 12:01 a.m., local time, on June 1, 2018.

For recreational harvest by the Federal for-hire component, the season closes at 12:01 a.m., local time, on July 22, 2018. These closures are necessary to prevent the private angling and Federal for-hire components from exceeding their respective quotas, equivalent to annual catch limits (ACLs), for the 2018 fishing year and to prevent overfishing of the Gulf red snapper resource.

DATES: The closure is effective at 12:01 a.m., local time, June 1, 2018, until 12:01 a.m., local time, January 1, 2019, for the private angling component. The closure is effective at 12:01 a.m., local time, July 22, 2018, until 12:01 a.m., local time, January 1, 2019, for the Federal for-hire component.

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

SUPPLEMENTARY INFORMATION: The Gulf reef fish fishery, which includes red snapper, is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The final rule implementing Amendment 40 to the FMP established two components within the recreational sector fishing for Gulf red snapper: The private angling component, and the Federal for-hire component (80 FR 22422; April 22, 2015). Amendment 40 also allocated the red snapper recreational ACL (recreational quota) between the components and established separate seasonal closures for the two components. The recreational seasonal closures are projected from the component annual catch targets (ACTs), set 20 percent less than the component quotas, to reduce the likelihood of the harvest exceeding the component quotas and the total recreational ACL.

According to regulations at 50 CFR 622.39(a)(2)(i), the 2018 total recreational quota for red snapper in the Gulf EEZ is 6.733 million lb (3.54 million kg), which is allocated 57.7 percent to the private angling component and 42.3 percent to the for-hire component. For the private angling component, the 2018 quota is 3.885 million lb (1.762 million kg), and the 2018 ACT is 3.108 million lb (1.410 million kg) (50 CFR 622.41(q)(2)(iii)(C). For the Federal for-hire component, the 2018 quota is 2.848 million lb (1.292 million kg), and the 2018 ACT is 2.278 million lb (1.033 million kg) (50 CFR 622.41(q)(2)(iii)(B)). All weights given are in round weight.

For the private angling component, NMFS has issued exempted fishing permits (EFPs) that allow each Gulf state (Texas, Louisiana, Mississippi, Alabama, and Florida) to set the season for red snapper that are landed from state and federal waters in that state during 2018 and 2019. The EFPs do so by exempting private anglers from regulations at 50 CFR 622.34(b) (recreational season closure for red snapper) and 50 CFR 622.41(q)(2)(i) (private angler component in-season closure) if these anglers hold the appropriate state fishing permits and are landing red snapper in a participating state during the state's open season. The EFPs allocate a portion of the private angling quota to each state, and each state is required under the terms and conditions of the EFPs to constrain landings to its allocation. The combined allocations equal the private angling component quota. Therefore, there will be no Federal season for the private angling component in 2018, and this closure notice will take effect at 12:01 a.m., local time, June 1, 2018.

The Gulf states will establish seasons during which red snapper caught in state and Federal waters can be landed. States will monitor red snapper landings and close their respective fishing seasons if the state's assigned quota is reached or projected to be reached. Private anglers should consult the regulations for the Gulf state where they wish to land red snapper to determine state season dates and landing requirements. If the EFPs remain effective in 2019, NMFS anticipates announcing a similar Federal recreational fishing season for the private angling component next year.

The 2018 red snapper Federal for-hire fishing season has been determined to be 51 days based on NMFS' projection of the date landings are expected to reach the component ACT. For details about the calculation of the projection for 2018, see *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/red_snapper/index.html.* Therefore, the 2018 Federal recreational season for the Federal for-hire component will begin at 12:01 a.m., local time, June 1, 2018, and close at 12:01 a.m., local time, July 22, 2018.

On and after the effective date of the Federal for-hire component closure, the bag and possession limits for red snapper for Federal for-hire vessels are zero. When either the Federal for-hire component or entire recreational sector is closed, these bag and possession limits apply in the Gulf onboard a vessel for which a valid Federal for-hire permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters (EEZ).

Classification

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

This action is taken under 50 CFR 622.41(q)(2)(i) and (ii) and is exempt from review under Executive Order 12866.

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

This action is based on the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA), finds that the need to immediately implement this action to close the private angling and Federal for-hire components for the red snapper recreational sector constitute good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule pursuant to the authority set forth in 5 U.S.C. 553(b)(B), because such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the recreational red snapper ACLs and ACTs, and the rule implementing the requirement to close the recreational components when the ACTs are projected to be reached have already been subject to notice and comment, and all that remains is to notify the public of the closures.

Providing prior notice and opportunity for public comment are contrary to the public interest because of the need to immediately implement this action to protect Gulf red snapper by timely closing the Federal recreational seasons. In addition, prior notice and opportunity for public comment would require time and many of those affected by the length of the recreational fishing seasons, particularly for-hire operations that book trips for clients in advance, need as much advance notice as NMFS is able to provide to adjust their business plans to account for the recreational fishing seasons.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: April 18, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–08419 Filed 4–18–18; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 78
Monday, April 23, 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.

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 124 and 126

RIN 3245–AG38; 3245–AG94

Tribal Consultation for Small Business HUBZone Program and Government Contracting Programs and Consolidation of Mentor Protégé Programs and Other Government Contracting Amendments

AGENCY: U.S. Small Business Administration.

ACTION: Notification of tribal consultation meeting.

SUMMARY: The U.S. Small Business Administration (SBA) announces that it is holding a tribal consultation meeting in Anchorage, Alaska concerning the regulations governing the 8(a) Business Development (BD) program and the HUBZone program. SBA seeks to reduce unnecessary or excessive regulatory burdens in those programs and to make them more attractive to procuring agencies and small businesses. Testimony presented at this tribal consultation will become part of the administrative record for SBA's consideration when the Agency deliberates on approaches to changes in the regulations pertaining to these programs.

DATES: The Tribal Consultation meeting date is Wednesday, May 9, 2018, 10:00 a.m. to 3:00 p.m. (AKDT), Anchorage, Alaska. The Tribal Consultation meeting pre-registration deadline date is May 2, 2018.

ADDRESSES:

1. The Tribal Consultation meeting will be held at Z.J. Loussac Public Library, 3600 Denali Street, Anchorage, AK 99503.

2. Send pre-registration requests to attend and/or testify to Chequita Carter of SBA's Office of Native American Affairs, U.S. Small Business Administration, 409 3rd Street SW, Washington, DC 20416; *Chequita.Carter@sba.gov;* or Facsimile to (202) 481–2177.

3. You may submit comments, identified by RIN 3245–AG38, for Small Business HUBZone Program and Government Contracting Programs and RIN 3245–AG94, for Consolidation of Mentor Protégé Programs and Other Government Contracting Amendments, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov* and follow the instructions for submitting comments.
- *Mail* (*for paper, disk, or CD–ROM submissions*): To Kenneth Dodds, Director, Office of Procurement Policy and Liaison, U.S. Small Business Administration, 409 3rd Street SW, Washington, DC 20416; or *Kenneth.Dodds@sba.gov;* or Facsimile to (202) 481–2950, 409 Third Street SW, Washington, DC 20416.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted on *http://www.regulations.gov.* If you wish to submit confidential business information (CBI) as defined in the User Notice at *http://www.regulations.gov,* please submit the comments to Kenneth Dodds and highlight the information that you consider to be CBI and explain why you believe this information should be held confidential. SBA will make a final determination as to whether the comments will be published or not.

FOR FURTHER INFORMATION CONTACT: Chequita Carter, Program Assistant for SBA's Office of Native American Affairs, at *Chequita.Carter@sba.gov* or (202) 205–6680 or by facsimile to (202) 481–2177.

SUPPLEMENTARY INFORMATION:

I. Background

SBA is contemplating making substantive changes to the regulations governing both the 8(a) BD (13 CFR part 124) and HUBZone (13 CFR part 126) programs, and requests comments and input on how best to reduce unnecessary or excessive regulatory burdens in those programs. Particularly, SBA is interested in comments related to two planned rulemakings: (1) Small Business HUBZone Program and Government Contracting Programs (RIN 3245–AG38); and (2) Consolidation of Mentor Protégé Programs and Other Government Contracting Amendments (RIN 3245–AG94). The first-mentioned planned rulemaking would constitute a comprehensive revision of part 126 of SBA's regulations to clarify current HUBZone program regulations, and implement various new procedures. The latter planned rulemaking would consolidate the All Small Mentor Protégé Program and the 8(a) Mentor Protégé Program into one program and would revise SBA's process for approving management changes in entity-owned 8(a) firms. It is SBA's intent to implement changes that will make it easier for small business concerns to understand and comply with the programs' requirements. SBA is also seeking to make these programs more effective and improve the delivery of them to the small business community. SBA understands that some of its regulations have significantly adversely affected small business concerns owned and controlled by tribes and Alaska Native Corporations (ANCs), including 8(a) change of ownership requirements, and seeks tribal participation to ease these burdens. Additionally, SBA notes that the HUBZone program is often not being fully utilized by procuring agencies, and seeks input on what changes could be made to make the HUBZone program more attractive to both procuring agencies and small businesses.

II. Tribal Consultation Meeting

The purpose of this tribal consultation meeting is to conform to the requirements of Executive Order 13175, Tribal Consultations; to provide interested parties with an opportunity to discuss their views on the issues; and for SBA to obtain the views of SBA's stakeholders on approaches to the 8(a) BD program and HUBZone program regulations. SBA considers tribal consultation meetings a valuable component of its deliberations and believes that this tribal consultation meeting will allow for constructive dialogue with the Tribal community, Tribal Leaders, Tribal Elders, elected members of Alaska Native Villages or their appointed representatives, and principals of tribally-owned and ANC-owned firms participating in the 8(a) BD and HUBZone programs. SBA intends to hold additional tribal consultations in order to obtain comments and input from Tribal communities representing other geographic regions.

The format of this tribal consultation meeting will consist of a panel of SBA representatives who will preside over the session. The oral and written testimony as well as any comments SBA receives will become part of the administrative record for SBA's consideration. Written testimony may be submitted in lieu of oral testimony. SBA will analyze the testimony, both oral and written, along with any written comments received. SBA officials may ask questions of a presenter to clarify or further explain the testimony. The purpose of the tribal consultation is to assist SBA with gathering information to guide SBA's review process and to potentially develop new proposals. SBA requests that the comments focus on SBA's two planned rulemakings relating to the 8(a) BD and HUBZone programs, general issues as they pertain to the 8(a) BD and HUBZone regulations, input related to what changes could be made to make these programs more attractive to procuring agencies and small businesses, or the unique concerns of the Tribal communities. SBA requests that commenters do not raise issues pertaining to other SBA small business programs. Presenters are encouraged to provide a written copy of their testimony. SBA will accept written material that the presenter wishes to provide that further supplements his or her testimony. Electronic or digitized copies are encouraged.

The tribal consultation meeting will be held for one day. The meeting will begin at 10:00 a.m. and end at 3:30 p.m. (AKDT), with a break from 12:30 p.m. to 1:30 p.m. SBA will adjourn early if all those scheduled have delivered their testimony.

III. Registration

SBA respectfully requests that any elected or appointed representative of the tribal communities or principal of a tribally-owned or ANC-owned 8(a) firm that is interested in attending please pre-register in advance and indicate whether you would like to testify at the hearing. Registration requests should be received by SBA by May 2, 2018. Please contact Chequita Carter of SBA's Office of Native American Affairs in writing at *Chequita.Carter@sba.gov* or by facsimile to (202) 481–2177. If you are interested in testifying please include the following information relating to the person testifying: Name, Organization affiliation, Address, Telephone number, Email address and Fax number. SBA will attempt to accommodate all interested parties that wish to present testimony. Based on the number of registrants it may be necessary to impose time limits to ensure that everyone who wishes to testify has the opportunity to do so. SBA will confirm in writing the registration of presenters and attendees.

IV. Information on Service for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the tribal consultation meeting, contact Chequita Carter at the telephone number or email address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Authority: 15 U.S.C. 634 and E.O. 13175, 65 FR 67249.

Allen Gutierrez,

Associate Administrator for the Office of Entrepreneurial Development.

[FR Doc. 2018–08410 Filed 4–20–18; 8:45 am]

BILLING CODE 8025–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2016–0590; FRL–9977–06–Region 10]

Air Plan Approval; AK; Interstate Transport Requirements for the 2010 Nitrogen Dioxide and Sulfur Dioxide National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the State Implementation Plan (SIP) submittal from the Alaska Department of Environmental Conservation (Alaska DEC) demonstrating that the SIP meets certain interstate transport requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated in 2010 for nitrogen dioxide (NO_2) and sulfur dioxide (SO_2). The EPA proposes to determine that Alaska's SIP contains adequate provisions to ensure that air emissions in Alaska do not significantly contribute to nonattainment or interfere with the maintenance of the 2010 NO_2 and SO_2 NAAQS in any other state.

DATES: Comments must be received on or before May 23, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2016–0590, at *https://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 the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: John Chi, Air Planning Unit, Office of Air and Waste (OAW–150), Environmental Protection Agency, 1200 6th Avenue, Seattle, WA 98101; telephone number: 206–553–1185; email address: *chi.john@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA. Information is organized as follows:

Table of Contents

I. Background

On January 22, 2010, the EPA established a primary NO_2 NAAQS at 100 parts per billion (ppb), averaged over one hour and based on a 3-year average, supplementing the existing annual standard (75 FR 6474). On June 22, 2010, the EPA established a new primary 1-hour SO_2 NAAQS at 75 ppb based on a 3-year average (75 FR 35520). Within three years after promulgation of a new or revised NAAQS, states must submit SIPs meeting the requirements of CAA sections 110(a)(1) and (2), often referred to as infrastructure requirements. Section 110(a) of the CAA requires states to make a SIP submission to the EPA for a new or revised NAAQS, but the contents of individual state submissions may vary depending upon the facts and circumstances. The content of the revisions proposed in such SIP submissions may also vary

depending upon what provisions the state's approved SIP already contains. The EPA approved the Alaska SIP as meeting all infrastructure requirements for the 2010 NO_2 and SO_2 NAAQS, except for the CAA section 110(a)(2)(D)(i)(I) interstate transport provisions which we explained we would address in a separate action (82 FR 22081, May 12, 2017).

The EPA's most recent infrastructure SIP guidance, the September 13, 2013, ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),'' did not explicitly include criteria for how the Agency would evaluate infrastructure SIP submissions intended to address section 110(a)(2)(D)(i)(I).[1] With respect to certain pollutants, such as ozone and particulate matter, the EPA has addressed interstate transport in eastern states in the context of regional rulemaking actions that quantify state emission reduction obligations.[2] In other actions, such as EPA action on western state SIPs addressing ozone and particulate matter, the EPA has considered a variety of factors on a case-by-case basis to determine whether emissions from one state interfere with the attainment and maintenance of the NAAQS in another state. In such actions, the EPA has considered available information such as current air quality, emissions data and trends, meteorology, and topography.[3]

For other pollutants such as lead (Pb), the EPA has suggested that the applicable interstate transport requirements of section 110(a)(2)(D)(i)(I) can be met through a state's assessment as to whether or not emissions from Pb sources located in close proximity to its borders have emissions that impact a neighboring state such that they contribute significantly to nonattainment or interfere with maintenance in that state. For example, the EPA noted in an October 14, 2011, memorandum titled, ''Guidance on Infrastructure State Implementation Plan (SIP) Elements Required Under Sections 110(a)(1) and 110(a)(2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS),'' [4] that the physical properties of Pb prevent its emissions from experiencing the same travel or formation phenomena as $PM_{2.5}$ or ozone, and there is a sharp decrease in Pb concentrations, at least in the coarse fraction, as the distance from a Pb source increases. Accordingly, while it may be possible for a source in a state to emit Pb in a location and in quantities that may contribute significantly to nonattainment in, or interfere with maintenance by, any other state, the EPA anticipates that this would be a rare situation, *e.g.,* where large sources are in close proximity to state boundaries.[5] Our rationale and explanation for approving the applicable interstate transport requirements under section 110(a)(2)(D)(i)(I) for the 2008 Pb NAAQS, consistent with the EPA's interpretation of the October 14, 2011, guidance document, can be found, among other instances, in the proposed approval and a subsequent final approval of interstate transport SIPs submitted by Illinois, Michigan, Minnesota, and Wisconsin.[6] In summary, the EPA's approaches to addressing interstate transport for NAAQS pollutants has been based on the characteristics of the pollutant, the interstate problem presented by emissions of that pollutant, the sources that emit the pollutant, and the information available to assess transport of that pollutant. The EPA's review and action on Alaska's CAA section 110(a)(2)(D)(i)(I) interstate transport SIP revisions for the 2010 NO_2 and SO_2 NAAQS is informed by these considerations.

On March 10, 2016, the Alaska DEC submitted a SIP revision to address these remaining CAA section 110(a)(2)(D)(i)(I) interstate transport provisions, also called ''good neighbor'' provisions. The first element of CAA section 110(a)(2)(D)(i)(I) requires that for a new or revised NAAQS the SIP contains adequate measures to prohibit any source or other type of emissions activity within the state from emitting air pollutants that will ''contribute significantly to nonattainment'' of the NAAQS in another state. The second element of CAA section 110(a)(2)(D)(i)(I) requires that the SIP prohibits any source or other type of emissions activity in the state from emitting pollutants that will ''interfere with maintenance'' of the applicable NAAQS in any other state.

II. State Submittal

The state addressed CAA section 110(a)(2)(D)(i)(I) by providing information supporting the conclusion that emissions from Alaska do not significantly contribute to nonattainment or interfere with maintenance of the 2010 1-hour NO_2 and 1-hour SO_2 NAAQS. The Alaska DEC provided the same justification to address both SO_2 and NO_2 interstate transport.[7]

[1] At the time the September 13, 2013, guidance was issued, EPA was litigating challenges raised with respect to its Cross State Air Pollution Rule (''CSAPR''), 76 FR 48208 (Aug. 8, 2011), designed to address the CAA section 110(a)(2)(D)(i)(I) interstate transport requirements with respect to the 1997 ozone and the 1997 and 2006 $PM_{2.5}$ NAAQS. CSAPR was vacated and remanded by the D.C. Circuit in 2012 pursuant to *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7. EPA subsequently sought review of the D.C. Circuit's decision by the Supreme Court, which was granted in June 2013. As EPA was in the process of litigating the interpretation of section 110(a)(2)(D)(i)(I) at the time the infrastructure SIP guidance was issued, EPA did not issue guidance specific to that provision. The Supreme Court subsequently vacated the D.C. Circuit's decision and remanded the case to that court for further review. 134 S. Ct. 1584 (2014). On July 28, 2015, the D.C. Circuit issued a decision upholding CSAPR, but remanding certain elements for reconsideration. 795 F.3d 118.

[2] Nitrogen Oxides (NO_X) SIP Call, 63 FR 57371 (October 27, 1998); Clean Air Interstate Rule (CAIR), 70 FR 25172 (May 12, 2005); CSAPR, 76 FR 48208 (August 8, 2011).

[3] *See, e.g.,* Approval and Promulgation of Implementation Plans; State of California; Interstate Transport of Pollution; Significant Contribution to Nonattainment and Interference With Maintenance Requirements, Proposed Rule, 76 FR 146516, 14616–14626 (March 17, 2011); Final Rule, 76 FR 34872 (June 15, 2011); Approval and Promulgation of State Implementation Plans; State of Colorado; Interstate Transport of Pollution for the 2006 24-Hour $PM_{2.5}$ NAAQS, Proposed Rule, 80 FR 27121, 27124–27125 (May 12, 2015); Final Rule, 80 FR 47862 (August 10, 2015).

[4] *https://www3.epa.gov/ttn/naaqs/aqmguide/collection/cp2/20111014_page_lead_caa_110_infrastructure_guidance.pdf.*

[5] Id. at pp 7–8.

[6] *See* 79 FR 27241 at 27249 (May 13, 2014) and 79 FR 41439 (July 16, 2014).

[7] EPA notes Alaska's submission with respect to the SO_2 NAAQS indicates that the state is not subject to EPA's Clean Air Interstate Rule (CAIR) or Cross-State Air Pollution Rule (CSAPR). While EPA appreciates this information, neither CAIR nor CSAPR addressed the 2010 SO_2 NAAQS.

The state's submittal noted that Alaska's southern-most border is separated by over 600 miles (966 km) of mountainous terrain in Canada's Province of British Columbia separating the southeastern border of Alaska from the nearest state, Washington. The state's submittal also noted that in Alaska, the regional, predominant low pressure wind patterns emanate from the Gulf of Alaska in the west and travel inland towards the east, circulating in a counterclockwise direction. The Alaska DEC concluded that based on distance from other states and weather patterns, Alaska does not significantly contribute to nonattainment, or interfere with maintenance, of the 2010 NO_2, and SO_2 NAAQS in any other state.

III. EPA Evaluation

A. NO_2 Interstate Transport

In addition to reviewing Alaska's submittal, the EPA reviewed recent monitoring data for NO_2 throughout the United States. Using previous EPA methodology, the EPA evaluated specific monitors identified as having nonattainment and/or maintenance problems, which we refer to as ''receptors.'' [8] The EPA identifies nonattainment receptors as any monitor that has violated the NO_2 NAAQS in the most recent three-year period (2014–2016). Meanwhile, the EPA identifies NO_2 maintenance receptors as any monitor that violated the NO_2 NAAQS in—either of the prior monitoring cycles (2012–2014 and 2013–2015), but attained in the most recent monitoring cycle. During the three most recent design value [9] periods of 2012 through 2014, 2013 through 2015, and 2014 through 2016, we found no monitors violating the 2010 NO_2 NAAQS in the United States.[10] Accordingly, the EPA found no monitors meeting the criteria as a nonattainment receptor and/or as a maintenance receptor. Furthermore, we note that available information indicates that monitored values are well below the 100 ppb 1-hour NO_2 NAAQS in Washington, the state closest to Alaska, with a 3-year average of 28 ppb during 2014–2016 at the Mount Vernon-Anacortes, WA, monitor (AQS Site ID 530570018).[4]

The EPA also reviewed regulatory provisions to control future new sources of NO_X emissions in Alaska. Alaska's Prevention of Significant Deterioration (PSD)/New Source Review (NSR) program was originally approved by the EPA on February 16, 1995 (60 FR 8943). Updates to Alaska's PSD/NSR program were most recently approved by the EPA on January 7, 2015 (80 FR 832). The minor NSR program was most recently updated on May 27, 2016 (80 FR 30161). These rules help ensure that no new or modified source of NO_X will cause or contribute to violation of the 2010 NO_2 NAAQS. The EPA proposes to conclude that emissions from Alaska will not significantly contribute to nonattainment, or interfere with maintenance, of the 2010 NO_2 NAAQS in any other state. As previously noted, the EPA already approved the Alaska SIP as meeting the CAA section 110(a)(2)(D)(i)(II) interstate transport provisions (commonly called prongs 3 & 4) on May 12, 2017 (82 FR 22081).

B. SO_2 Interstate Transport

In addition to reviewing Alaska's submittal, the EPA reviewed: (1) SO_2 ambient air quality and emissions trends; (2) SIP-approved regulations specific to SO_2 and permitting requirements; and, (3) other SIP-approved or federally enforceable regulations that while not directly intended to address or reduce SO_2, may yield reductions of the pollutant.

Despite being emitted from a similar universe of point and nonpoint sources, interstate transport of SO_2 is unlike the transport of fine particulate matter ($PM_{2.5}$) or ozone. As the EPA has addressed in other actions, SO_2 is not a regional mixing pollutant that commonly contributes to widespread nonattainment of the SO_2 NAAQS over a large (and often multi-state) area. From an air quality management perspective, the 2010 SO_2 NAAQS can be considered to be a largely ''source-oriented'' NAAQS rather than a ''regional'' one (79 FR 27445). Geographically, Alaska is approximately 850 km (528 miles) from the nearest state, Washington, and approximately 2,800 km (1,740 miles) from the nearest SO_2 nonattainment area in Gilia County, Arizona, for the 2010 SO_2 NAAQS. Given the distance from the nearest state, Washington, the EPA believes that emissions from Alaska will not interfere with the maintenance in another states. Therefore, the EPA proposes to agree with Alaska DEC that based on distance, emissions activity from Alaska will not significantly contribute to nonattainment or interfere with maintenance of the SO_2 NAAQS in any other state.

While the State of Alaska has no areas which would require SO_2 monitoring under 40 CFR 58, Appendix D, paragraph 4.4.2 (requirement for monitoring by the population weighted emissions index), monitored ambient air quality values for SO_2 are available at Alaska's National Core Multi-pollutant Monitoring Station, (NCore), in Fairbanks, Alaska. These data indicate the monitored values of SO_2 at this site have remained below the 2010 1-hour SO_2 NAAQS. Relevant data from EPA's Air Quality System [11] (AQS) Design Value (DV) [12] reports for recent and complete 3-year periods are summarized in Table 1. The design value for the Fairbanks monitor has decreased from 42 ppb in 2014 to 36 ppb in 2016, below 50% of the NAAQS.

TABLE 1—TREND IN 3-YEAR SO_2 DESIGN VALUES FOR AQS MONITOR IN ALASKA

AQS monitor site	City	2012–2014 (ppb)	2013–2015 (ppb)	2014–2016 (ppb)
02–090–0034	Fairbanks	42	37	36

The NEI data summaries for Alaska have shown a decrease in the total statewide SO_2 emissions by 6,447 tons per year, from 2011 to 2014 (Table 2). The highest source sector for both 2011 and 2014 inventory years was natural

[8] *See* NO_X SIP Call, 63 FR 57371 (October 27, 1998); CAIR, 70 FR 25172 (May 12, 2005); and Transport Rule or Cross-State Air Pollution Rule, 76 FR 48208 (August 8, 2011).

[9] A ''Design Value'' is a statistic that describes the air quality status of a given location relative to the level of the NAAQS. The interpretation of the primary 2010 SO_2 NAAQS (set at 75 parts per billion (ppb)) including the data handling conventions and calculations necessary for determining compliance with the NAAQS can be found in Appendix T to 40 CFR part 50.

[10] *http://www.epa.gov/airtrends/values.html.*

[11] EPA's Air Quality System (AQS) contains ambient air pollution data collected by EPA, state, local, and tribal air pollution control agencies. See *https://www.epa.gov/aqs.*

[12] A ''Design Value'' is a statistic that describes the air quality status of a given location relative to the level of the NAAQS. The interpretation of the primary 2010 1-hour SO_2 NAAQS (set at 75 parts per billion [ppb]) including the data handling conventions and calculations necessary for determining compliance with the NAAQS can be found in Appendix T to 40 CFR part 50.

wildfires. The decreasing trend in the NEI data support our proposed conclusion that Alaska does not contribute to the nonattainment of SO_2 in other states and does not interfere with the maintenance of SO_2 in others states.

TABLE 2—SUMMARY OF NEI SO_2 DATA FOR ALASKA

Source sector	2011 (tpy)	2014 (tpy)
Area, Excluding Wildfires	1,728	1,336
Non-Road	65	20
On-Road	51	50
Commercial Marine Vessels	7,148	2,471
Aviation (Aircraft & GSE)	429	399
Point	5,795	5,211
Wildfires, Prescribed	203	79
Wildfires, Natural	13,095	12,501
Total—All Sources	28,513	22,066

Lastly, Alaska has various provisions and regulations to ensure that SO_2 emissions are not expected to substantially increase in the future, further supporting the EPA's proposed conclusion that emissions from the state will not have downwind interstate transport impacts. The EPA reviewed regulatory provisions to control future new sources of SO_2 emissions in Alaska. As previously discussed with respect to NO_2, Alaska's PSD/NSR program was originally approved by the EPA on February 16, 1995 (60 FR 8943) and updates to Alaska's PSD/NSR program were most recently approved by the EPA on August 28, 2017 (82 FR 40712). The minor NSR program was also updated on August 28, 2017 (82 FR 40712). These rules help ensure that no new or modified source of SO_2 will cause or contribute to violation of the 2010 SO_2 NAAQS.

Based on the analysis provided by Alaska DEC in its SIP submission and the factors discussed above, the EPA proposes to find that sources or emissions activity within the state will not contribute significantly to nonattainment, or interfere with maintenance, of the 2010 SO_2 NAAQS in any other state.

IV. Proposed Action

The EPA has reviewed the March 10, 2016, submittal from the Alaska DEC demonstrating that sources in Alaska do not significantly contribute to nonattainment, or interfere with maintenance, of the 2010 NO_2 and SO_2 NAAQS in any other state. Based on our review, we are proposing to find that the Alaska SIP meets the CAA section 110(a)(2)(D)(i)(I) interstate transport requirements for the 2010 NO_2 and SO_2 NAAQS.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations.[13] Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely approves state law as meeting Federal requirements, and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

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

In addition, this proposed action does not apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications 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, Nitrogen dioxide, Sulfur dioxide, Reporting and recordkeeping requirements.

Dated: April 13, 2018.

Chris Hladick,

Regional Administrator, Region 10.

[FR Doc. 2018–08426 Filed 4–20–18; 8:45 am]

BILLING CODE 6560–50–P

[13] 42 U.S.C. 7410(k); 40 CFR 52.02(a).

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 17–59; FCC 18–31]

Advanced Methods To Target and Eliminate Unlawful Robocalls

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission invites comment on proposed changes to its rules. The Commission proposes rules to ensure that one or more databases are available to provide callers with the comprehensive and timely information they need to discover potential number reassignments before making a call. It seeks comment on the specific information that callers need from a reassigned numbers database; and the best way to make that information available to callers that want it, as well as related issues.

DATES: Comments are due on June 7, 2018, and reply comments are due on July 9, 2018.

ADDRESSES: You may submit comments identified by CG Docket No. 17–59 and/or FCC Number 18–31, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the Commission's Electronic Comment Filing System (ECFS), through the Commission's website: *http://apps.fcc.gov/ecfs/*. Filers should follow the instructions provided on the website for submitting comments. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and CG Docket No. 17–59.
- *Mail:* Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

For detailed instructions for submitting comments and additional information on the rulemaking process, *see* the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Josh Zeldis, Consumer Policy Division, Consumer and Governmental Affairs Bureau (CGB), at (202) 418- 0715, email: *Josh.Zeldis@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Further Notice of Proposed Rulemaking (*Second FNPRM*), document FCC 18–31, adopted on March 22, 2018, and released on March 23, 2018. The full text of document FCC 18–31 will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY–A257, Washington, DC 20554. A copy of document FCC 18–31 and any subsequently filed documents in this matter may also be found by searching ECFS at: *http://apps.fcc.gov/ecfs/* (insert CG Docket No. 17–59 into the Proceeding block).

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

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

Pursuant to § 1.1200 of the Commission's rules, 47 CFR 1.1200, this matter shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's ex parte rules. Persons making oral ex parte presentations are reminded that memoranda summarizing the presentations must contain summaries of the substances of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 CFR 1.1206(b). Other rules pertaining to oral and written ex parte presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to: *fcc504@fcc.gov* or call CGB at: (202) 418–0530 (voice), or (202) 418–0432 (TTY). The *Second FNPRM* can also be downloaded in Word or Portable Document Format (PDF) at: *https://www.fcc.gov/document/fcc-seeks-address-robocalls-reassigned-phone-numbers-0.*

Initial Paperwork Reduction Act of 1995 Analysis

The *Second FNPRM* seeks comment on proposed rule amendments that may result in modified information collection requirements. If the Commission adopts any modified information collection requirements, the Commission will publish another notice in the **Federal Register** inviting the public to comment on the requirements, as required by the Paperwork Reduction Act. Public Law 104–13; 44 U.S.C. 3501–3520. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, the Commission seeks comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees. Public Law 107–198, 116 Stat. 729; 44 U.S.C. 3506(c)(4).

Synopsis

1. The Commission, as part of its multiple-front battle against unwanted calls, proposes and seeks comment on ways to address the problem of unwanted calls to reassigned numbers. This problem subjects the recipient of the reassigned number to annoyance and wastes the time and effort of the caller while potentially subjecting the caller to liability.

2. Consumer groups and callers alike have asked for a solution to this problem. The Commission therefore proposes in document FCC 18–31 to ensure that one or more databases are available to provide callers with the comprehensive and timely information they need to discover potential number reassignments before making a call. To that end, the Commission seeks further comment on, among other issues: (1) The specific information that callers need from a reassigned numbers database; and (2) the best way to make that information available to callers that want it. Making a reassigned numbers database available to callers that want it will benefit consumers by reducing unwanted calls intended for another consumer while helping callers avoid the costs of calling the wrong consumer, including potential violations of the Telephone Consumer Protection Act (TCPA).

Background

3. As required by the Commission's rules, voice service providers ensure the efficient use of telephone numbers by reassigning a telephone number to a new consumer after it is disconnected by the previous subscriber. Approximately 35 million numbers are disconnected and made available for reassignment to new consumers each year. Consumers disconnect their old numbers and change to new telephone numbers for a variety of reasons, including switching wireless providers without porting numbers and getting new wireline telephone numbers when they move. Upon disconnecting his or her phone number, a consumer may not update all parties who have called him/her in the past, including businesses to which the consumer gave prior express consent to call and other callers from which the consumer expects to receive calls. When that number is reassigned, the new subscriber of that number may receive unwanted calls intended for the previous subscriber.

4. The problem of unwanted calls to reassigned numbers can have important consequences for both consumers and callers. Beyond annoying the new subscriber of the reassigned number, a misdirected call can deprive the previous subscriber of the number of a desired call from, for example, his/her school, health care provider, or financial institution. In the case of prerecorded or automated voice calls (robocalls) to reassigned numbers, a good-faith caller may be subject to liability for violations of the TCPA. That threat can have a chilling effect, causing some callers to be overly cautious and stop making wanted, lawful calls out of concern over potential liability for calling a reassigned number.

5. While existing tools can help callers identify number reassignments, ''callers lack guaranteed methods to discover all reassignments'' in a timely manner. Accordingly, in the July 2017 *Reassigned Numbers NOI* (*NOI*), the Commission launched an inquiry to explore ways to reduce unwanted calls to reassigned numbers. The Commission sought comment on, among other issues, the best ways for service providers to report information about number reassignments and how that information can most effectively be made available to callers. Thirty-three parties filed comments and fourteen parties submitted reply comments.

6. The majority of commenters on the *NOI* support a comprehensive and timely database that allows callers to verify whether a number has been reassigned before making a call. Specifically, a broad range of commenters, including callers and associated trade organizations, consumer groups, cable and VoIP service providers, and data aggregators, support establishing a database where service providers can report reassigned number data and callers can access that data. Legislators have also encouraged the Commission to proceed with a rulemaking to create a comprehensive reassigned numbers database.

7. Several commenters nonetheless raise concerns about this approach. For example, the United States Chamber of Commerce express concern about the costs associated with using a reassigned numbers database and note that the Commission cannot mandate that callers use a reassigned numbers database in order to comply with the TCPA. Several other commenters contend that establishing a reassigned numbers database is too costly as compared to the likely benefit. Alternatively, CTIA and others contend that if the Commission decides to address the reassigned numbers problem, it should adopt a safe harbor from TCPA violations for callers that use existing commercial solutions and thereby encourage broader adoption and improvement of those solutions.

Discussion

8. The Commission proposes to ensure that one or more databases are available to provide callers with the comprehensive and timely information they need to avoid calling reassigned numbers. The Commission therefore seek comment below on, among other things: (1) The information that callers who choose to use a reassigned numbers database need from such a database; (2) how to ensure that the information is reported to a database; and (3) the best approach to making that information available to callers.

9. The Commission believes that its proposal will benefit legitimate callers and consumers alike. While some commenters argued that a reassigned numbers database would not reduce unwanted calls from bad actors, the Commission notes that a reassigned numbers database is only one important part of its broader policy and enforcement efforts to combat unwanted calls, including illegal robocalls. The Commission seeks comment on how its approach in the *Second FNPRM* fits within these broader efforts.

10. The Commission believes its legal authority for the potential requirements and alternatives stems directly from section 251(e) of the Act. More specifically, it believes that the Commission's exclusive jurisdiction over North American Numbering Plan (NANP) numbering resources provides ample authority to adopt any requirements that recipients of NANP numbers report reassignment or other information about those numbers, including the mechanism through which such information must be reported. The Commission seeks comment on these views and on the nature and scope of its legal authority under section 251(e) of the Act to adopt the potential requirements and alternatives.

Database Information, Access, and Use

11. Based on the *NOI* comments, an effective reassigned numbers database should contain both comprehensive and timely data for callers to discover potential reassignments before they occur. A reassigned numbers database should also be easy to use and cost-effective for callers while minimizing the burden on service providers supplying the data. With these goals in mind, the Commission seeks comment below on the operational aspects of a reassigned numbers database, namely the type and format of information that callers need from such a database, how comprehensive and timely the data needs to be in order for the database to be effective, any restrictions or limitations on callers' access to and usage of the database, and the best ways to ensure that callers' costs to use a reassigned numbers database are minimized. The Commission also emphasizes that usage of a reassigned numbers database would be wholly voluntary for callers.

12. *Type of Information Needed By Callers.* The Commission seeks comment on the information that a legitimate caller needs from a reassigned numbers database, and it seeks to understand how callers expect an efficient and effective database to work. To that end, the Commission seeks comment on the following issues. *First,* the Commission seeks comment on the information a legitimate caller would have on hand when seeking to search or query a reassigned numbers database. The Commission expects that such a caller would possess, at a minimum, the following information: (1) The name of the consumer the caller wants to reach; (2) a telephone number associated with that consumer; and (3) a date on which the caller could be confident that the consumer was still associated with that number (*e.g.,* the last date the caller made contact with the consumer at that number; the date the consumer last provided that number to the caller; or the date the caller obtained consent to call the consumer). The Commission seeks comment on this view. What other

information, if any, should the Commission expect a legitimate caller to already possess before making a call?

13. *Second,* the Commission seeks comment on the information a caller would need to submit to a reassigned numbers database and the information the caller seeks to generate from a search or query of the database. The Commission believes that, at a minimum, the database should be able to indicate (*e.g.,* by providing a ''yes'' or ''no'' response) whether a number has been reassigned since a date entered by the caller. That information could then be used by a legitimate caller to determine whether a number has been reassigned since the caller last had a reasonable expectation that a particular person could be reached at the number. The Commission seeks comment on this view. Do callers need any additional information beyond an indication of whether a particular number has been reassigned since a particular date? For example, do callers need the actual date on which the number was reassigned? If so, why? Do callers need the name of the individual currently associated with the number? Why or why not? What are the privacy implications of allowing callers to obtain such information and how should they be addressed? Or to phrase the question differently, how can the Commission minimize the information provided by the database (to protect a consumer's information from being unnecessarily disclosed) while it maximizes the effectiveness of the database (to protect a consumer from receiving unwanted calls)?

14. *Third,* if a reassigned numbers database should indicate whether a number has been reassigned, then how should the Commission define when a number is reassigned for this purpose? Typically, the reassignment process consists of four steps: A number currently in use is first disconnected, then aged, then made available for assignment, and finally assigned to a new subscriber. Determining the appropriate step in the reassignment process to cull information from service providers and pass it to callers requires considering the needs of callers as well as the administrative feasibility and cost of reporting to service providers.

15. The Commission proposes to provide callers with information about when NANP numbers are disconnected. Because disconnection is a first step in the reassignment process, the Commission believes that a database containing information on when a number has been disconnected will best allow callers to identify, at the earliest possible point, when a subscriber can no longer be reached at that number. With timely access to such data, callers will be best positioned to rid their calling lists of reassigned numbers before calling them. Access to disconnection information would be preferable to new assignment information because, as one commenter notes, tracking new assignments ''would provide little to no lead time for callers to update their dialing lists to avoid calling consumers with newly reassigned numbers.'' Do commenters agree with these views? Why or why not? The Commission also understands that service providers routinely track disconnection information and it seeks comment on this view. Do service providers use consistent criteria to track and record disconnects or does each service provider set its own criteria?

16. Should an effective reassigned numbers database contain information in addition to or in lieu of disconnection information? Commenters should discuss the advantages and disadvantages of their preferred approach relative to other approaches.

17. The Commission also seeks comment on information that callers believe should be excluded from a reassigned numbers database in order to ensure accurate and reliable data and prevent false positives. For example, if the database includes information about disconnections, should the database exclude information on when a number has been temporarily disconnected, thus excluding, for example, when a number is in a temporary suspension status (*e.g.,* for non-payment)? Is it feasible for service providers to exclude such information from their reporting? What are the costs of differentiating disconnections for service providers? How should the Commission weigh those costs against the risk that the reassigned numbers database might be overinclusive—stating that certain numbers have been reassigned more recently than they actually have been—and thus may unnecessarily discourage legitimate calls from being made.

18. *Comprehensiveness of Database Information.* The Commission seeks comment on how comprehensive a reassigned numbers database needs to be. It believes that when callers use such a database, they should reasonably expect that the database is sufficiently comprehensive such that they do not need to rely on any other databases. The Commission seeks comment on this view.

19. To ensure a comprehensive database, do callers need data from all types of voice service providers, including wireless, wireline, interconnected VoIP, and non-interconnected VoIP providers? Or would data from only certain types of providers be sufficient? Nearly all *NOI* commenters on this issue argue that an effective reassigned numbers solution must contain data from all service providers. For example, one commenter contends that without data from all voice service providers, a reassigned numbers database ''would contain insufficient . . . information about a potentially large set of numbers, and thus likely would not be any more 'comprehensive' than existing tools.'' Do commenters agree? Why or why not? And do texters need reassignment information from text message providers to the extent that such providers do not also provide voice service? Are there significant occurrences of misdirected texts to reassigned numbers such that texters need this information?

20. The Commission also seeks comment on the universe of numbers that a reassigned numbers database should contain. For example, should such a database contain all numbers allocated by a numbering administrator to a service provider or only a subset of such numbers (*e.g.,* only numbers that have been disconnected since the commencement of the database)? If a reassigned numbers database contains only a subset of allocated numbers, the Commission notes that a caller may be unable to determine the status of a given number. On the other hand, a database containing all allocated numbers may be unwieldy. The Commission seeks comment on these views and on the best approach for making comprehensive data available to callers while minimizing the burdens on those reporting and managing the data.

21. Finally, the Commission seeks comment on whether there is any reason to limit the reported reassignment information to a specific timeframe. For instance, if the most recent reassignment of a number occurred five or ten years ago, do callers need that information?

22. *Timeliness of Database Information.* The Commission seeks comment on how timely the information contained in a reassigned numbers database must be. How frequently should the data be reported to maximize callers' ability to remove reassigned numbers from their calling lists before placing calls? Some *NOI* commenters argue that data should be reported on a daily basis while others contend that it should be updated in realtime or as close to realtime as practicable. CTIA cautions, however, that real-time updates would result in greater costs, while potentially not measurably reducing unwanted calls compared to

less frequent updates. Tatango argues that data should be reported based on how long a service provider ages its numbers, with those providers that age their numbers quickly (*e.g.,* after two days) being required to report on a daily basis and those providers that age their numbers for at least 45 days being allowed to report on a monthly basis. The Commission seeks comment on these approaches, any alternatives, and their costs and benefits.

23. Additionally, the Commission seeks comment on how long service providers currently age numbers before making them available again for assignment. The Commission notes that the Commission's rules limit the aging period for disconnected residential numbers to a maximum of 90 days. Should the Commission adopt a minimum aging period for disconnected numbers so that service providers could report data to a reassigned numbers database less frequently? If so, would 30 days be a reasonable minimum aging period? Would 60 days? What are the costs and benefits to service providers of having to comply with a minimum aging requirement? Would the costs outweigh any benefit of being able to report data to a reassigned numbers database less frequently?

24. *Format of Database Information.* The Commission seeks comment on the format in which callers need the relevant data. For example, several *NOI* commenters argue that callers need this information in an easily accessible, usable, and consistent file format such as comma-separated values (CSV) or eXtensible Markup Language (XML) format. Do commenters agree or believe that alternative formats should be used, and if so, which formats? Does the Commission need to specify the format of such information by rule, or should the Commission allow the database administrator to determine it?

25. *User Access to Database Information.* The Commission anticipates that callers may use the database directly or may wish to have entities that are not callers (such as data aggregators or entities that manage callers' call lists) use the database. The Commission seeks comment on this view and any associated impacts on implementation.

26. Additionally, the Commission seeks comment on any specific criteria or requirements that an entity must satisfy to become an eligible user. Most commenters on the *NOI* argue that some restrictions are necessary to prevent misuse of data. The Commission is particularly mindful that the database information may be business- and market-sensitive, especially as it relates to customer churn. The Commission also seeks to mitigate any risk that the data could be used by fraudulent robocallers or other bad actors for spoofing or other purposes. At the same time, the Commission seeks to minimize the administrative and cost burden on callers so as not to discourage their use of a reassigned numbers database. With these goals in mind, the Commission seeks comment on the potential requirements for eligible users discussed below and any other requirements that commenters believe are necessary. The Commission also seek comment on how to enforce these requirements to ensure database security and integrity.

27. The Commission seeks comment on whether users should be required to certify the purpose for which they seek access to the information and, if so, how that purpose should be defined. In the *NOI,* the Commission asked whether entities seeking access should be required to certify that the information will be used only for purposes of TCPA compliance, and many commenters favor such a restriction. However, the Commission notes that all callers seeking to reduce unwanted calls to reassigned numbers—not merely callers seeking to ensure compliance with the TCPA—should be permitted to access a reassigned numbers database. The Commission seeks comment on this view. If commenters agree that user access should be permitted for this broader purpose (and not for any other purpose, such as marketing), what specific language should be used in any required certification?

28. The Commission also seeks comment on whether and how to track relevant information about those who access a reassigned numbers database. Several commenters on the *NOI* argue that database users should be subject to a registration requirement. Do commenters agree? If users are required to set up an account that identifies the party obtaining the data, what information should they be required to provide? The Commission also seeks comment on whether database users should be subject to audits or other reviews, and if so, the components and frequency of such audits. Additionally, the Commission seeks comment on what recourse, if any, an entity denied access should have.

29. *Cost to Use Database.* The Commission seeks comment on any ways it can minimize the cost of using a reassigned numbers database so as to encourage usage, including by small business callers. The Commission notes that commenters on the *NOI* largely agree that service providers should be compensated for the costs of reporting data to a reassigned numbers database, but callers argue that any cost recovery mechanism should be reasonable so that access to the data will be affordable. How should the Commission balance these interests?

30. *Database Use and TCPA Compliance.* The Commission seeks comment on how use of a reassigned numbers database should intersect with TCPA compliance. In response to comments filed on the *NOI* by the U.S. Chamber of Commerce, the Commission makes clear that it is not proposing to mandate that callers use a reassigned numbers database in order to comply with the TCPA.

31. Rather, the Commission seeks comment on whether it should adopt a safe harbor from TCPA liability for those callers that choose to use a reassigned numbers database, including under any of the three approaches to database administration discussed below. Some commenters, for example, urge the Commission to adopt a safe harbor from TCPA violations for robocallers that inadvertently make calls to reassigned numbers after checking a comprehensive reassigned numbers database. Other commenters argue that the Commission should instead adopt a safe harbor for callers using existing commercial solutions. The Commission seeks comment on these views. If the Commission were to adopt a safe harbor from TCPA violations, under what circumstances should callers be permitted to avail themselves of the safe harbor? For example, how often would a caller need to check a reassigned numbers database under a safe harbor? The Commission also seeks detailed comment on whether section 227 of the Act or other sections of the Act provide it with authority to adopt such a safe harbor—what provisions, precisely, would allow the agency to create a safe harbor? If the Commission were to adopt a safe harbor under the TCPA, how does the D.C. Circuit's recent ruling in *ACA International* v. *FCC* impact its ability to adopt a safe harbor, if at all? Does the Commission have more authority to craft a safe harbor from its own enforcement authority than from the private right of action contained in the TCPA? Does section 251(e) of the Act provide independent or additional authority for such a safe harbor? If the Commission were to establish such a safe harbor, what precisely would it protect a caller from? Liability from all reassigned-number calls? Liability from good-faith reassigned-number calls? Liability from reassigned-number calls but only when the database's

information was either untimely or inaccurate?

Approaches to Database Administration

32. In the *NOI,* the Commission suggested four potential mechanisms for service providers to report reassigned number information and for callers to access that information. Most commenters addressing this issue favored a single, FCC-designated database, while others favored making the data available through commercial data aggregators. The Commission seeks further comment on these options below. Specifically, the Commission seeks comment on whether it should: (1) Require service providers to report reassigned number information to a single, FCC-designated database; (2) require service providers to report such information to one or more commercial data aggregators; or (3) allow service providers to report such information to commercial data aggregators on a voluntary basis. The Commission also seeks comment on any alternative approaches that commenters believe it should consider. Regardless of the approach, the Commission seeks to balance callers' need for comprehensive and timely reassigned number information with the need to minimize the reporting burden placed on service providers.

33. Recently, the U.S. Court of Appeals for the D.C. Circuit recognized that the Commission has ''consistently adopted a 'reasonable reliance' approach'' to the TCPA, including in cases ''when a consenting party's number is reassigned.'' The court highlighted that the Commission is ''considering creating a comprehensive repository of information about reassigned wireless numbers'' and ''whether to provide a safe harbor for callers that inadvertently reach reassigned numbers after consulting the most recently updated information''—and the court noted a reassigned numbers database ''would naturally bear on the reasonableness of calling numbers that have in fact been reassigned.'' The Commission seeks comment on the impact that decision and possible Commission action in response to that decision could have on the costs and benefits of the database options discussed herein. Does that decision strengthen the need for a timely and comprehensive reassigned numbers database? Or does it suggest that existing, commercially available databases provide callers with sufficient resources, diminishing the need for a new database or a mandatory reporting requirement?

Mandatory Reporting to Single Database

34. The Commission seeks detailed comment on whether it should establish and select an administrator of a single reassigned numbers database. Under this approach, the Commission would mandate that service providers report reassigned number information to the database, and allow eligible users to query the database for such information. As discussed below, the Commission seeks comment on how the single database should be established, who should administer it, and how it should be funded. The Commission also seeks comment on which service providers should be required to report information, the requirements that should apply to such providers, and whether and how they should be able to recover their reporting costs. Finally, the Commission seeks comment on the effectiveness, costs, and benefits of the single database approach.

35. *Establishment and Administration of Single Database.* The Commission seeks comment on how complicated it would be to establish a single reassigned numbers database. Would it be necessary to develop a completely new database or would it be possible to expand or modify one of the existing numbering databases overseen by the Commission to accommodate the data that callers need? Are there any economies of scale or scope that could be achieved under the latter approach?

36. One possibility would be to modify the Number Portability Administration Center (NPAC), which is used to facilitate local number portability. In response to the *NOI,* however, iconectiv explains that the NPAC currently lacks information about all number reassignments and therefore cautions that the ''suitability of extending the NPAC to serve as a reassigned number database warrants a great deal more consideration prior to making such a decision.'' What factors should the Commission consider in making such a decision and what processes should it follow in establishing a single database? For example, should the Commission consult with the North American Numbering Council (NANC), as some commenters suggest?

37. The Commission also seeks comment on which entities have the expertise to serve as the administrator of a central reassigned numbers database. Could the LNPA or a different numbering administrator (such as the NANPA or the Pooling Administrator) serve such a role? Or could an entirely different vendor serve this role? What factors should the Commission take into account in selecting a reassigned numbers database administrator?

38. *Funding.* How should an FCC-designated reassigned numbers database be funded? For example, should the Commission establish a charge to database users to help cover the costs of establishing and maintaining the database? If so, how should the charge be set (*e.g.,* per query, a flat fee or some other basis) and how should the billing and collection process work? To the extent that such fees do not cover all of the costs of establishing and maintaining the database, should the Commission recover the remaining costs from reporting service providers? The Commission notes that section 251 of the Act provides that the ''cost of establishing telecommunications numbering administration arrangements . . . shall be borne by all telecommunications carriers on a competitively neutral basis as determined by the Commission.'' How would this statutory provision affect the Commission's approach? To the extent that fees collected from database users exceed the costs of establishing and maintaining the reassigned numbers database, the Commission seeks comment on whether such fees could be used to offset the costs of numbering administration more generally.

39. *Covered Service Providers.* The Commission seeks comment on which service providers should be required to report data to a single, FCC-designated reassigned numbers database. Should all service providers—including wireless, wireline, interconnected VoIP, and non-interconnected VoIP providers—be required to report data? Should the reporting requirements also apply to text messaging providers to the extent that they do not also provide voice service?

40. Alternatively, should the Commission require all service providers that receive numbers directly from the NANPA to report data on those numbers? In response to the *NOI,* several commenters note that some service providers, such as resellers and interconnected VoIP providers that do not obtain numbers directly from the NANPA, might not have knowledge of certain changes in the status of a number if they do not have control over the provision of the number. Tatango therefore argues that, consistent with the Commission's existing number utilization reporting requirements, the obligation to report data about a number to a reassigned numbers database should be imposed on the entity that obtained the number directly from the NANPA. The Commission seeks

comment on this view. The Commission also seeks comment on whether to afford covered service providers the flexibility to contractually delegate those requirements to the service provider that indirectly receives numbers.

41. Additionally, the Commission seeks comment on whether it should exempt certain service providers from the obligation to report data to an FCC-designated reassigned numbers database without undermining its overall comprehensiveness. For example, NTCA asks that the Commission exempt rural service providers from this requirement, at least initially, because of their limitations in resources and staff. Are there other types of providers, such as those offering only telecommunications relay services, that should be exempted from mandatory reporting? The Commission seeks comment on whether it should adopt any such exemptions, the relevant eligibility criteria, and the effect of the exemption on the goal of providing comprehensive numbering information to callers that want it. Are there other measures short of an exemption that would lessen the reporting burden, while still achieving that goal?

42. *Requirements for Covered Service Providers.* The Commission seeks comment on the reporting requirements that should apply to covered service providers under a single database approach. In particular, it seeks comment on: (1) The specific data that covered service providers should be required to report; (2) how often they should be required to report such information; and (3) the format in which they should be required to report it. In adopting such requirements, the Commission seeks to balance callers' need for comprehensive and timely reassigned number data with the need to minimize the reporting burden on service providers. The Commission also seeks comment on the costs and benefits of these reporting requirements, including specific cost estimates. Additionally, are there any unique reporting burdens faced by small and/or rural service providers, and if so, how should they be addressed? For example, should the Commission permit small providers to report data less frequently than larger providers, as NTCA suggests? Or start reporting at a later time? Furthermore, are there other requirements for covered service providers that the Commission should adopt? For example, is there a risk that customer proprietary network information (CPNI) could be disclosed without customer consent, and if so, how could that risk be addressed?

43. *Cost Recovery for Covered Service Providers.* Should covered service providers be compensated for some or all of their costs of reporting information to an FCC-designated reassigned numbers database? Commenters recognize that service providers will incur operational costs to provide the required data. For example, CTIA emphasizes that its members may need to develop new database solutions and/or incur operational expenses associated with modifying existing systems. Would service providers' costs ultimately be borne by their subscribers, as NCLC suggests? If covered service providers should be permitted to recover some or all of their costs of reporting data, how should they be compensated and what limits, if any, should be set on such compensation?

44. *Other Implementation Issues and Implementation Timeline.* The Commission seeks comment on any other issues related to the feasibility or implementation of a single, FCC-designated reassigned numbers database. The Commission also seeks comment on an implementation timeline for establishing such a database. What steps would need to be taken and approximately how long would they take?

45. *Costs and Benefits.* The Commission seek comment on the effectiveness, costs (including specific cost estimates), and benefits of the single database approach. The Commission also seeks comment on its advantages and disadvantages compared to existing solutions and the alternatives discussed below. Would, as many commenters argue, a single database approach be more comprehensive and therefore, more effective, in addressing the reassigned numbers problem, than existing commercial solutions? Additionally, requiring service providers to report to, and allowing eligible users to query from, a single, centralized database would likely be more efficient and cost-effective than an approach that involves multiple commercial data aggregators. Some commenters contend that a single database would also serve as an ''authoritative source'' of reassigned number information and could better facilitate establishment of a safe harbor from TCPA violations. Another commenter points out that in contrast to commercial databases that might cease operations, a single, FCC-designated database would better enable the Commission to oversee quality of and access to the data. At the same time, however, developing such a database could require substantially more time and expenditures than an approach that relies on commercial data aggregators. The Commission seeks comment on these views and on any other factors that commenters believe the Commission should consider when evaluating a single, FCC-designated database as a solution to the reassigned numbers problem.

Mandatory Reporting to Commercial Data Aggregators

46. As an alternative to the single database approach discussed above, the Commission seeks comment on whether it should require service providers to report reassigned number information to commercial data aggregators. Under this approach, the Commission expects that service providers would enter into bilateral agreements with data aggregators for purposes of reporting data, and as a result, there would be multiple reassigned numbers databases that callers could query. The Commission seeks comment on the criteria and process for becoming a qualifying data aggregator to which service providers would report data; which service providers should be required to report data, the requirements they should be subject to, and the appropriate cost recovery for these covered service providers; contractual and other issues that might arise between data aggregators and service providers; and the feasibility and implementation issues associated with this approach. The Commission also seeks comment on the costs and benefits of this approach.

47. *Qualifying Data Aggregators.* The Commission believes that service providers should be required to report reassigned number data only to those commercial data aggregators that meet specific eligibility or qualification criteria (*e.g.,* certain baseline or operational standards). The Commission seeks comment on this view. If commenters agree, how should the Commission define a ''qualifying data aggregator'' for this purpose and what criteria should such an entity satisfy? For example, should a data aggregator be required to: (1) Establish internal controls to ensure that the data it receives will be used solely to respond to callers' queries and not for any marketing or other commercial purpose; (2) maintain records of callers' queries; (3) ensure data security and privacy; and (4) establish internal controls to accurately respond to such queries? The Commission seeks comment on these potential criteria and any others that commenters believe are necessary to ensure reliable and secure databases.

48. The Commission also seeks comment on the process for becoming a

qualifying data aggregator. For instance, should a data aggregator be required to register with or seek approval from the Commission? Additionally, the Commission seeks comment on how to ensure compliance with the qualification criteria. For example, should service providers require that any criteria placed on the qualifying data aggregator, such as those referenced above, be addressed within the bilateral contract between the parties? Are there other ways that the Commission can ensure that a qualifying data aggregator meets the requisite criteria? Should a qualifying data aggregator be required to undergo regular audits and file with the Commission an auditor's certification that it complies with the required criteria? Further, how should service providers be expected to know which data aggregators are qualifying data aggregators? Should the Commission maintain a list or registry of such entities and if so, how and when should it be updated?

49. *Covered Service Providers.* The Commission seeks comment on which service providers should be required to report reassigned number data to commercial data aggregators. Should the same universe of providers be subject to reporting regardless of whether the Commission requires reporting to commercial data aggregators or to a single, FCC-designated database? Why or why not?

50. *Reporting to Single or Multiple Data Aggregators.* Under this approach, should covered service providers be required to report reassigned number data to some or all qualifying data aggregators, and how would this requirement work in practice? Alternatively, should the Commission require covered service providers to report information to only one qualifying data aggregator which would in turn share the information with other qualifying data aggregators? What would be the parameters of such required data-sharing arrangements? What are the potential benefits and drawbacks of such an approach and how would it work in practice?

51. *Other Requirements for Covered Service Providers.* The Commission seeks comment on the other requirements that should apply to covered service providers under this approach. Should the same reporting and other requirements that would apply under the single database approach discussed above apply under this approach as well? Are there different or additional requirements for covered service providers that the Commission should adopt under mandatory reporting to data aggregators?

52. *Cost Recovery for Covered Service Providers.* The Commission seeks comment on whether covered service providers should be permitted to recover some or all of their reporting costs under this approach. If so, how should they be compensated and what limits, if any, should be set on such compensation?

53. *Contractual Issues.* As discussed above, under this approach, the Commission anticipates that service providers would enter into bilateral agreements with data aggregators for purposes of reporting data. The Commission seeks comment on how negotiation of these agreements would work in practice. Are there contractual, business, or other concerns that would need to be addressed in order to rely on this approach as a solution to the reassigned numbers problem?

54. *Other Feasibility or Implementation Issues and Implementation Timeline.* The Commission seeks comment on any other issues related to the feasibility or implementation of mandatory reporting to commercial data aggregators that commenters believe it should consider. For example, how should callers be expected to learn about the multiple reassigned numbers databases that would result from this approach? The Commission also seeks comment on a timeline for implementing this approach. What steps would need to be taken and approximately how long would they take?

55. *Costs and Benefits.* The Commission seeks comment on the effectiveness, costs (including specific cost estimates), and benefits of mandatory reporting to commercial data aggregators as well as its advantages and disadvantages compared to the other approaches discussed herein and compared to existing commercial solutions. For example, an approach involving commercial data aggregators would enable those entities to leverage their existing infrastructure and services and likely make reassigned numbers databases available more quickly and with less upfront expenditures than a single, FCC-designated database approach. On the other hand, mandatory reporting to multiple data aggregators may be less efficient and cost-effective for both service providers and callers than a single database approach. The Commission seeks comment on these views and on any other factors that commenters believe it should consider in evaluating mandatory reporting to data aggregators as a solution to the reassigned numbers problem.

Voluntary Reporting to Commercial Data Aggregators

56. The Commission seeks comment on whether, as a second alternative, it should allow service providers to report reassigned number data to commercial data aggregators on a voluntary basis. Under this approach, callers could then use commercial data aggregators to determine whether a phone number has been reassigned. As discussed below, the Commission seeks comment on whether, and if so, how a voluntary reporting approach could be structured to be more effective than existing solutions at addressing the reassigned numbers problem.

57. *Incentives to Encourage Effective Databases.* As discussed above, the Commission believes that an effective reassigned numbers database must contain information that is both comprehensive and timely. The Commission seeks comment on whether reassigned number solutions that are available in the marketplace today are comprehensive and timely, and, if not, what efforts the FCC could undertake to incentivize improvement of these solutions. For example, CTIA and others argue that the Commission should adopt a safe harbor from TCPA violations for those callers that use existing commercial solutions. They further suggest that the safe harbor would lead to widespread use of existing solutions by callers, which would in turn create more competition among commercial data aggregators, spur those data aggregators to pay service providers to induce them to report data, and result in more comprehensive and reliable databases. Do commenters agree with this view? Commenters that advocate adoption of a safe harbor should explain in detail the Commission's legal authority to take such action. If the Commission were to adopt a safe harbor, under what circumstances should callers be allowed to avail themselves of the safe harbor? For example, how often would a caller need to check a reassigned numbers database under a safe harbor? And what parameters, in terms of comprehensiveness and timeliness of the data, would a reassigned numbers database used by such a caller need to satisfy? For instance, would a database need to have a certain percentage of service providers' data before a caller could use it under the safe harbor? Would coverage of 90 percent of allocated numbers be sufficient? 95 percent? 99 percent? Would, as with the mandatory reporting approach, a data aggregator need to meet specific qualifying criteria, including certification? The

Commission also seeks comment on whether there are there other incentives, along with or in addition to a safe harbor, that the Commission could create to encourage the development of comprehensive and timely reassigned numbers databases under a voluntary reporting approach.

58. *Reporting.* Under a voluntary reporting approach, the Commission anticipates that service providers would enter into bilateral commercial agreements with data aggregators for purposes of reporting data. Are there ways to improve the reporting infrastructure, including reducing administrative costs and increasing confidence in query results, such as by using distributed ledger technology? What other actions could the Commission take to better facilitate more widespread reporting by service providers without mandating reporting?

59. *Cost Recovery.* Under this voluntary approach, the Commission expects that service providers would recover their reporting costs from data aggregators and those data aggregators would in turn pass those costs on to callers seeking to query their databases. The Commission seeks comment on this view and on any related issues. In particular, the Commission seeks comment on how best to ensure that small service providers recover their costs and are able to have their reassigned number data included in these databases.

60. *Costs and Benefits.* The Commission seeks comment on the effectiveness, costs (including specific cost estimates), and benefits of voluntary reporting to commercial data aggregators relative to the other approaches discussed above. For example, the Commission anticipates that while a voluntary approach would give service providers more flexibility than a mandatory approach, it would nevertheless result in less comprehensive databases and would therefore be less effective in addressing the reassigned numbers problem than the alternatives discussed above. The Commission seeks comment on this view. Additionally, would callers have to pay more or less for database access under a voluntary approach than under the approaches discussed above or under existing commercial solutions? The Commission seeks comment on these issues and on any other factors that commenters believe it should consider in evaluating a voluntary reporting approach as a solution to the reassigned numbers problem.

Initial Regulatory Flexibility Act Analysis

61. As required by section 603 of the Regulatory Flexibility Act of 1980, as amended, (RFA) the Commission has prepared the Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals contained in the *Second FNPRM.* Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *Second FNPRM.* The Commission will send a copy of the *Second FNPRM,* including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

Need for, and Objectives of, the Proposed Rules

62. The *Second FNPRM* seeks to reduce unwanted calls to reassigned numbers by proposing to ensure that one or more databases are available to provide callers with the comprehensive and timely information they need to avoid calling reassigned numbers. Despite existing tools that can help callers identify number reassignments, callers lack guaranteed methods to discover all reassignments in a timely manner. Beyond annoying the new subscriber of the reassigned number, a misdirected call can deprive the previous subscriber of the number of a desired call from, for example, his/her school, health care provider, or financial institution. In the case of robocalls to reassigned numbers, a good-faith caller may be subject to liability for violations of the TCPA. That threat can have a chilling effect, causing some callers to be overly cautious and stop making wanted, lawful calls out of concern over potential liability for calling a reassigned number.

63. The *Second FNPRM* seeks to reduce the number comment on various aspects of a reassigned numbers database. The *Second FNPRM* also seeks comment on three alternatives for service providers to report reassigned number information and for callers to access that information. Finally, the *Second FNPRM* seeks comment on whether, and if so, how the Commission should adopt a safe harbor from liability under the Telephone Consumer Protection Act for those callers that choose to use a reassigned numbers database. Making a reassigned numbers database available to callers that want it will benefit consumers by reducing unwanted calls intended for another consumer while helping callers avoid the costs of calling the wrong consumer, including potential violations of the TCPA.

Legal Basis

64. The proposed and anticipated rules are authorized under sections 201, 227, and 251(e) of the Communications Act of 1934, as amended, 47 U.S.C. 201, 227, 251(e).

Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

65. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act. A ''small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

66. The proposed safe harbor from liability for violating the prohibitions relating to telephone solicitations using autodialers, artificial and/or prerecorded messages applies to a wide range of entities, including potentially all entities that use the telephone to advertise. Thus, the Commission expects that the safe harbor proposal could have a significant economic impact on a substantial number of small entities. For instance, funeral homes, mortgage brokers, automobile dealers, newspapers and telecommunications companies could all be affected.

67. In 2013, there were approximately 28.8 million small business firms in the United States, according to SBA data. Determining a precise number of small entities that would be subject to the requirements proposed in this NPRM is not readily feasible. Therefore, the Commission invites comment about the number of small business entities that would be subject to the proposed safe harbor in this proceeding. After evaluating the comments, the Commission will examine further the effect the proposed safe harbor might have on small entities, and will set forth its findings in the final Regulatory Flexibility Analysis.

68. The descriptions and estimates of small entities affected by the remaining proposed rules is detailed below.

Wireline Carriers

69. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. Census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

70. *Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a small business size standard specifically for local exchange services. The closest applicable size standard under SBA rules is for the category Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that most providers of local exchange service are small businesses.

71. *Incumbent Local Exchange Carriers (Incumbent LECs).* Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The closest applicable size standard under SBA rules is for the category Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses.

72. *Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers.* Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. The appropriate size standard under SBA rules is for the category Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that most providers of competitive local exchange service, competitive access providers, shared-tenant service providers, and other local service providers are small entities.

73. The Commission has included small incumbent LECs in this present RFA analysis. As noted above, a ''small business'' under the RFA is one that, *inter alia,* meets the pertinent small business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. The Commission has therefore included small incumbent LECs in this RFA analysis, although it emphasizes that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

74. *Interexchange Carriers.* Neither the Commission nor the SBA has developed a small business size standard specifically for providers of interexchange services. The appropriate size standard under SBA rules is for the category Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired

(cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that the majority of interexchange carriers are small entities.

75. *Cable System Operators (Telecom Act Standard).* The Communications Act also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' There are approximately 52,403,705 cable video subscribers in the United States today. Accordingly, an operator serving fewer than 524,037 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate. Based on available data, the Commission finds that all but nine incumbent cable operators are small entities under this size standard. Note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250 million, the Commission is unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

76. *Other Toll Carriers.* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to other toll carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. The closest applicable size standard under SBA rules is for Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of other toll carriers can be considered small.

Wireless Carriers

77. *Wireless Telecommunications Carriers (except Satellite).* Since 2007, the Census Bureau has placed wireless firms within this new, broad, economic census category. Under the present and prior categories, the SBA has deemed a wireless business to be small if it has 1,500 or fewer employees. For the category of Wireless Telecommunications Carriers (except Satellite), Census data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had fewer than 1,000 employees. Thus, under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities. Similarly, according to internally developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) services. Of this total, an estimated 261 have 1,500 or fewer employees. Thus, using available data, the Commission estimates that the majority of wireless firms can be considered small.

78. *Satellite Telecommunications Providers.* The category of Satellite Telecommunications ''comprises establishments primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.'' This category has a small business size standard of $32.5 million or less in average annual receipts, under SBA rules. For this category, Census Bureau data for 2012 show that there were a total of 333 firms that operated for the entire year. Of this total, 299 firms had annual receipts of under $25 million. Consequently, the Commission estimates that the majority of satellite telecommunications firms are small entities.

79. *All Other Telecommunications.* All other telecommunications comprises, *inter alia,* ''establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing internet services or voice over internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry.'' The SBA has developed a small business size standard for the category of All Other Telecommunications. Under that size standard, such a business is small if it has $32.5 million in annual receipts. For this category, Census Bureau data for 2012 show that there were a total of 1,442 firms that operated for the entire year. Of this total, 1,400 had annual receipts below $25 million per year. Consequently, the Commission estimates that the majority of all other telecommunications firms are small entities.

Resellers

80. *Toll Resellers.* The Commission has not developed a definition for toll resellers. The closest NAICS Code Category is Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network

operators (MVNOs) are included in this industry. The SBA has developed a small business size standard for the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that 1,341 firms provided resale services during that year. Of that number, all operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these resellers can be considered small entities. According to Commission data, 881 carriers have reported that they are engaged in the provision of toll resale services. Of this total, an estimated 857 have 1,500 or fewer employees. Consequently, the Commission estimates that the majority of toll resellers are small entities.

81. *Local Resellers.* The SBA has developed a small business size standard for the category of Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that 1,341 firms provided resale services during that year. Of that number, all operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these local resellers can be considered small entities.

82. *Prepaid Calling Card Providers.* The SBA has developed a small business size standard for the category of Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that 1,341 firms provided resale services during that year. Of that number, all operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of these prepaid calling card providers can be considered small entities.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

83. As indicated above, the *Second FNPRM* seeks comment on its proposal to make one or more databases available to provide callers with the comprehensive and timely information they need to avoid calling reassigned numbers. The Commission seeks to minimize the burden associated with reporting, recordkeeping, and other compliance requirements for the proposal. The proposal under consideration could result in additional costs to regulated entities. This proposal would necessitate that some voice service providers create new processes or make changes to their existing processes that would impose some additional costs to those service providers. The Commission believes that service providers already track phone number status information, and it therefore does not anticipate that these costs will be excessive. In addition, as indicated in more detail below, the *Second FNPRM* also contemplates a cost recovery mechanism for expenses incurred by service providers.

Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

84. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

85. As indicated above, the *Second FNPRM* seeks comment on a proposal to make one or more databases available so that callers can discover reassignments prior to making a call. The Commission has examined both the economic burden this proposal may have on callers and service providers and the considerable benefits to consumers and callers provide by a solution of a reassigned numbers database. Consumers are currently receiving a significant number of unwanted calls that are an annoyance and expend wasted time while other consumers are not getting the information that they solicited. In addition, callers are wasting considerable resources calling the wrong number and incurring potential TCPA liability. The *Second FNPRM* seeks to significantly reduce the number of unwanted calls to those that receive reassigned numbers by informing callers that use a database solution of the change in assignment. The *Second FNPRM* also seeks comment on potential ways to allow service providers to recoup their costs associated with reporting number reassignment information. If adopted, this cost-recovery mechanism could negate any service provider costs associated with the provisioning of phone number reassignment data. The Commission seeks comment on the specific costs of the measures we discuss in the *Second FNPRM,* and ways the Commission might further mitigate any implementation costs, including by making allowances for small and rural voice service providers and small business callers that might choose to use a reassigned number solution.

86. The Commission will consider ways to reduce the impact on small businesses, such as establishment of different compliance or reporting requirements or timetables that take into account the resources available to small entities based on the record in response to the *Second FNPRM.* The Commission has requested feedback from small businesses in the *Second FNPRM* and seeks comment on ways to make a challenge mechanism and reporting less costly. The Commission seeks comment on how to minimize the economic impact of these potential requirements.

87. The Commission expects to consider the economic impact on small entities, as identified in comments filed in response to the *Second FNPRM,* in reaching its final conclusions and taking action in this proceeding.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

88. None.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–08376 Filed 4–20–18; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 83, No. 78
Monday, April 23, 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

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Koppert B.V. of The Netherlands, an exclusive license to U.S. Patent No. 9,642,372, ''TRICHODERMA MICROSCLEROTIA AND METHODS OF MAKING'', issued on May 9, 2017.

DATES: Comments must be received on or before May 23, 2018.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: Brian T. Nakanishi of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Koppert B.V. of The Netherlands has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Mojdeh Bahar,

Assistant Administrator.

[FR Doc. 2018–08385 Filed 4–20–18; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Request for Stakeholder Input Relevant to the North American Regional Priorities for the Food and Agricultural Organization of the United Nations

ACTION: Request for stakeholder input.

SUMMARY: The U.S. Department of Agriculture (USDA) and the U.S. Department of State will host for the U.S. government the 2018 Food and Agricultural Organization of the United Nations (FAO) Informal North American Regional Conference (INARC).

DATES: The INARC will be held on April 18–19, 2018. Stakeholder comments should be submitted to the point of contact listed below, by May 18, 2018.

FOR FURTHER INFORMATION CONTACT: Candice Bruce, (202) 720–1324, *iNARC-FAO@fas.usda.gov.*

SUPPLEMENTARY INFORMATION: The INARC is a biennial meeting co-chaired with the Government of Canada to discuss the FAO North American region's priorities as member countries of the FAO. Written input from stakeholders on their views for the 2018–2019 biennium priorities for the region is welcome and encouraged. Stakeholder input may be examined by the Governments of the United States and Canada while developing priorities for the 2018–2019 biennium. Priorities recommended by FAO member countries at regional conferences are taken into account in the FAO Programme of Work and Budget and are used to justify funding levels, work streams, and programming.

The North American priorities highlighted at the 2016 INARC included FAO's normative work and activities related to standards, guidelines, and practices; boosting FAO's regulatory capacity building; FAO's continued provision of impartial, evidence-based information to help small-holder farmers increase productivity and production in a sustainable manner; and increasing FAO's partnerships when implementing North American priorities. The North American region highlights FAO's science and evidence-based work and aims to ensure that FAO uses resources efficiently and operates primarily in its areas of comparative advantage.

Topics of focus to be discussed during the 2018 INARC include agri-food trade and global food security; gender equality and the empowerment of women; agricultural innovations; and FAO's work in emergencies and emerging threats. These are the specific topics on which comments are sought. North America's priorities will be published in the 5th INARC report which will be available to the public.

The U.S. Government solicits written input from stakeholders who want to provide views related to the focus of the discussion areas regarding the FAO North American region's priorities. This notice remains open after the INARC meeting; input received after April 18 may still be considered prior to the publication of the INARC report.

Dated: April 9, 2018.

Bobby Richey, Jr.

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 2018–08350 Filed 4–20–18; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Public Notice of Non-Response Follow-Up for the 2017 Census of Agriculture

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to adjust the non-response follow-up methodology for the 2017 Census of Agriculture.

DATES: Comments on this notice must be received by May 7, 2018 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0226, by any of the following methods:

• *Email: omb officer@nass.usda.gov.* Include docket number above in the subject line of the message.

• *E-fax:* (855) 838–6382.

• *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

• *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Kevin L. Barnes, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202)720–2707. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at (202) 690–2388 or at *omb officer@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: The 2017 Census of Agriculture.

OMB Control Number: 0535–0226.

Expiration Date of Previous Approval: October 31, 2019.

Type of Request: Notice and request for comment on non-response follow-up for the 2017 Census of Agriculture.

Abstract: The National Agricultural Statistics Service (NASS) is currently conducting the 2017 Census of Agriculture. The Census of Agriculture provides the only basis of consistent, comparable farm data for each county, county equivalent, and State in the United States. A farm is any place that produced and sold, or normally would produce and sell, $1,000 or more of agricultural products during the census reference year.

The Census of Agriculture is required by law under the ''Census of Agriculture Act of 1997,'' Public Law 105–113, 7 U.S.C. 2204(g).

The original due date for reporting to the 2017 Census of Agriculture was February 5, 2018. Despite receiving up to three paper questionnaires in the mail and being provided opportunities to report on the web, NASS has not received responses from over one-third of the initial Census of Agriculture mail list. Low response rates threaten the quality of the results and the usefulness of the information collected. To ensure proper representation of various geographic areas and sub-populations in the results, NASS will begin contacting non-respondents by using both telephone and in-person interviews. NASS will also make an additional contact to non-respondents via mail to encourage response either by mail or on the web. Due to budget and time limitations, contacting all non-respondents for interviews is not possible; therefore, NASS will randomly select respondents for increased efforts to obtain responses, prioritizing certain geographic areas and sub-populations. This involves a modification of the non-response follow-up procedures identified in the original supporting statements NASS submitted for this information collection (OMB Control Number 0535–0226).

NASS will use historical data to prioritize which non-respondents to contact. Priority will be given to non-respondents: In low-response counties; those believed to produce commodities with low-coverage in past censuses of agriculture; those believed to produce commodities or perform production practices NASS will target in future Census of Agriculture follow-on studies; or those believed to be members of minority groups, which are also known to have lower coverage in previous censuses of agriculture. Priority will also be given to those with a higher response likelihood based on previous contact for NASS censuses and surveys.

NASS will use well-established statistical weighting and calibration techniques to ensure the results from the 2017 Census of Agriculture properly represent the intended population of inference.

Individually identifiable information collected by the Census of Agriculture is governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320. NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362. The law guarantees farm operators' individual information will be kept confidential. NASS uses the information only for statistical purposes and publishes only tabulated total data.

Comments: Comments are invited on NASS's follow-up process for 2017 Census of Agriculture non-respondents.

All responses to this notice will become a matter of public record.

Signed at Washington, DC, April 9, 2018.

Kevin L. Barnes,

Associate Administrator.

[FR Doc. 2018–08387 Filed 4–20–18; 8:45 am]

BILLING CODE 3410–20–P

CIVIL RIGHTS COMMISSION

Sunshine Act Meetings; In the Name of Hate: Examining the Federal Government's Role in Responding to Hate Crimes

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission public briefing.

DATES: Friday, May 11, 2018, 9:00 a.m.–6:30 p.m. EST. See detailed agenda below.

ADDRESSES: National Place Building, 1331 Pennsylvania Ave. NW, Suite 1150, Washington, DC 20425. Entrance is via F St. NW, between 13th and 14th Streets NW.

FOR FURTHER INFORMATION CONTACT: Brian Walch, (202) 376–8371; TTY: (202) 376–8116; *publicaffairs@usccr.gov.*

SUPPLEMENTARY INFORMATION: The Commission will hold a public briefing, ''In the Name of Hate: Examining the Federal Government's Role in Responding to Hate Crimes.'' This meeting is open to the public. The Commission will examine best practices for local law enforcement on collecting and reporting data, and the role of the Education and Justice Departments in prosecution and prevention of these heinous acts. Commissioners will hear from local law enforcement and federal government officials, experts, academics, advocates, and survivors of hate. Testimony from this briefing will form an integral basis for the Commission's subsequent report to Congress, the President, and the American people regarding the state of hate crimes and bias-related incidents across the nation.

Members of the public who wish to address the Commission will have an opportunity to do so during an open comment session that will take place between 5:00 p.m. and 6:30 p.m. EST. Individuals will be able to register for speaking slots, both online and at the briefing (in-person). Full details regarding registration for the open comment session will be available on the Commission's website (*www.usccr.gov*) five (5) business days prior to the briefing. Thirty (30) spots will be available during the one and one-half hour period. Each individual

will have up to three (3) minutes to speak, with spots allotted on a first-come, first-serve basis. The Commission will also accept written materials for consideration as we prepare our report. Please submit to *HateCrimes@usccr.gov* no later than June 11, 2018.

The event will live-stream at *https://www.youtube.com/user/USCCR/videos.* (Please note that streaming information is subject to change.) If attending in person, we ask that you RSVP to *publicaffairs@usccr.gov.* Persons with disabilities who need accommodation should contact Pamela Dunston at 202–376–8105, or at *access@usccr.gov,* at least seven (7) business days before the date of the meeting. The Commission will post panelists' submitted written testimony on our website in advance of the briefing; we will not be providing printed copies. Individuals with disabilities who would be in need of printed copies should contact *publicaffairs@usccr.gov* at least three (3) days prior to the briefing. You can stay abreast of updates and additional information on our website (*www.usccr.gov*), Twitter (*https://twitter.com/USCCRgov*) and Facebook (*https://www.facebook.com/USCCRgov/*).

Meeting Agenda

I. Introductory Remarks: Chair Catherine E. Lhamon: 9:00 a.m.–9:10 a.m.

II. Panel One: Local Law Enforcement: 9:10 a.m.–10:30 a.m.

III. Break: 10:30 a.m.–10:40 a.m.

IV. Panel Two: Community Stakeholders: 10:40 a.m.–12:00 p.m.

IV. Break: 12:00 p.m.–1:00 p.m.

V. Panel Three: Legal Scholars and Experts: 1:00 p.m.–2:20 p.m.

VI. Break: 2:20 p.m.–2:30 p.m.

VII. Panel Four: Federal Officials: 2:30 p.m.–3:50 p.m.

VIII. Break: 3:50 p.m.–5:00 p.m.

IX. Open Public Comment Session: 5:00 p.m.–6:30 p.m.

See **SUPPLEMENTARY INFORMATION** section above for full details.

X. Adjourn Briefing: 6:30 p.m.

Dated: April 19, 2018.

Brian Walch,

Director, Communications and Public Engagement.

[FR Doc. 2018–08535 Filed 4–19–18; 4:15 pm]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign Trade Zones Board

[B–27–2018]

Foreign-Trade Zone (FTZ) 81—Portsmouth, New Hampshire, Notification of Proposed Production Activity; Albany Safran Composites LLC (Carbon Fiber Composite Aircraft Engine Parts) Rochester, New Hampshire

Albany Safran Composites LLC (ASC) submitted a notification of proposed production activity to the FTZ Board for its facility located in Rochester, New Hampshire. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on April 6, 2018.

The company indicates that it will be submitting a separate application for FTZ designation at the ASC facility under FTZ 81. The facility is used for the manufacture of carbon fiber composite aircraft engine parts. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status material (epoxide resin) and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt ASC from customs duty payments on the epoxide resin used in export production. On its domestic sales, ASC would be able to choose the duty rates during customs entry procedures that apply to carbon fiber composite aircraft engine fan blades, cases and spacers (duty-free) for the foreign-status epoxide resin (duty rate—6.1%). ASC would be able to avoid duty on foreign-status resin which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is June 4, 2018.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: April 16, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–08393 Filed 4–20–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Zhongxing Telecommunications Equipment Corporation ZTE Plaza, Keji Road South Hi-Tech Industrial Park Nanshan District, Shenzhen China; ZTE Kangxun Telecommunications Ltd. 2/3 Floor, Suite A, Zte Communication Mansion Keji (S) Road Hi-New Shenzhen, 518057 China Respondent'; Order Activating Suspended Denial Order Relating to Zhongxing Telecommunications Equipment Corporation and Zte Kangxun Telecommunications Ltd.

Background

On March 23, 2017, I signed an Order approving the terms of the Settlement Agreement entered into in early March 2017, between the Bureau of Industry and Security, U.S. Department of Commerce (''BIS'') and Zhongxing Telecommunications Equipment Corporation, of Shenzhen, China (''ZTE Corporation'') and ZTE Kangxun Telecommunications Ltd. of Hi-New Shenzhen, China (''ZTE Kangxun'') (collectively, ''ZTE''), hereinafter the ''March 23, 2017 Order.'' Under the terms of the settlement, ZTE agreed to a record-high combined civil and criminal penalty of $1.19 billion, after engaging in a multi-year conspiracy to violate the U.S. trade embargo against Iran to obtain contracts to supply, build, operate, and maintain telecommunications networks in Iran using U.S.-origin equipment, and also illegally shipping telecommunications equipment to North Korea in violation of the Export Administration Regulations (15 CFR parts 730–774 (2017)) (''EAR'' or the ''Regulations''). ZTE also admitted to engaging in an elaborate scheme to hide the unlicensed transactions from the U.S. Government, by deleting, destroying, removing, or sanitizing materials and information.

Under the terms of the Settlement Agreement and the March 23, 2017 Order, BIS imposed against ZTE a civil penalty totaling $661,000,000, with $300,000,000 of that amount suspended for a probationary period of seven years from the date of the Order.[1] This

[1] In addition to the BIS–ZTE settlement, ZTE Corporation entered into a plea agreement with the

suspension was subject to several probationary conditions stated in the Settlement Agreement and March 23, 2017 Order, including that ZTE commit no other violation of the Export Administration Act of 1979, as amended (50 U.S.C. 4601–4623 (Supp. III 2015)), the Regulations, or the March 23, 2017 Order. The March 23, 2017 Order also imposed, as agreed to by ZTE, a seven-year denial of ZTE's export privileges under the EAR that was suspended subject to the same probationary conditions. The March 23, 2017 Order, like the Settlement Agreement, provided that should ZTE fail to comply with any of the probationary conditions, the $300 million suspended portion of the civil penalty could immediately become due and owing in full, as well as that BIS could modify or revoke the suspension of the denial order and activate a denial order of up to seven years.

The Settlement Agreement and March 23, 2017 Order require that during the probationary period, ZTE is to, among other things, complete and submit six audit reports regarding ZTE's compliance with U.S. export control laws. The Settlement Agreement and March 23, 2017 Order also include a broad cooperation provision during the period of the suspended denial order. This cooperation provision specifically requires that ZTE make truthful disclosures of any requested factual information. The Settlement Agreement and March 23, 2017 Order thus, by their terms, essentially incorporate the prohibition set forth in Section 764.2(g) of the EAR against making any false or misleading representation or statement to BIS during, inter alia, the course of an investigation or other action subject to the EAR.

On February 2, 2018, acting pursuant to the Settlement Agreement and March 23, 2017 Order, BIS requested, among other things, that ZTE provide a status report on all individuals named or otherwise identified in two letters sent by ZTE, through its outside counsel, to the U.S. Government, dated November 30, 2016, and July 20, 2017, respectively. The status report was to include, among other things, current title, position, responsibilities, and pay and bonus information from March 7, 2017 to the present. The first of those two letters, dated November 30, 2016, was sent during BIS's investigation of the violations alleged in the Proposed Charging Letter and referenced in the Settlement Agreement and March 23, 2017 Order. In that letter, ZTE described ''self-initiated'' employee disciplinary actions it asserted that it had taken to date and additional actions that the company said it would take in the near future because they were ''necessary to achieve the Company's goals of disciplining those involved and sending a strong message to ZTE employees about the Company's commitment to compliance.'' The letter focused on ZTE's asserted commitment to compliance, including from the highest levels of management.

The July 20, 2017 letter, sent on ZTE's behalf during the March 23, 2017 Order's seven-year probationary period, also asserted ZTE's commitment to compliance and claimed that the disciplinary actions taken had sent a very strong message to ZTE employees. The letter was sent ''to confirm that the measures detailed by ZTE with respect to discipline have been implemented'' against nine named ZTE employees identified during the U.S. Government's investigation. The employee disciplinary actions—actions that ZTE told the U.S. Government that it had already taken—were in ZTE's words a showing of ZTE's ''overall approach to discipline and commitment to compliance,'' which the company described as ''significant and sufficient to prevent past misconduct from occurring again at ZTE.'' Nearly all of the employees named in the July 20, 2017 letter had been specifically identified to ZTE by the U.S. Government as individuals that U.S. law enforcement agents wanted to interview during the investigation, either because they were signatories on an internal ZTE memorandum discussing how to evade U.S. export controls, were identified on that memorandum as a ''project core member'' of that evasion scheme, and/or had met with ZTE's then-CEO to discuss means to continue evading U.S. law. Three were members of the ''Contract Data Induction Team'' involved in extensive efforts to destroy and conceal evidence described in more detail below and in the PCL.

In sum, through those two letters, ZTE informed the U.S. Government that the company had taken or would take action against 39 employees and officials that ZTE identified as having a role in the violations that led to the criminal plea agreement and the settlement agreements with BIS and the U.S. Department of the Treasury's Office of Foreign Assets Control. In fact, and as ZTE now admits, the letters of reprimand described in the November 30, 2016 letter were never issued until approximately a month after BIS's February 2, 2018 request for information, and all but one of the pertinent individuals identified in the November 30, 2016 or July 20, 2017 letters received his or her 2016 bonus.[2] These false statements were not corrected by ZTE even in part until March 2018, more than 15 months from ZTE's November 30, 2016 letter, approximately a year from the Settlement Agreement (which ZTE executed on March 2, 2017) and the March 23, 2017 Order, and nearly eight months from the July 20, 2017 letter. During a conference call on March 6, 2018, ZTE indicated, via outside counsel, that it had made false statements in the November 30, 2016 and the July 20, 2017 letters. As discussed below, ZTE's first detailed notification occurred on March 16, 2018.

Proposed Activation of Suspended Sanctions and ZTE's Response

On March 13, 2018, pursuant to Section 766.17(c) of the Regulations, BIS notified ZTE of a proposed activation of the sanctions conditionally-suspended under the Settlement Agreement and the March 23, 2017 Order, based on ZTE's false statements in its letters dated November 30, 2016 and July 20, 2017, respectively. The notice letter to ZTE also gave the company an opportunity to respond, which it did on March 16, 2018.

I have reviewed in detail ZTE's response. In its letter, ZTE confirmed the false statements and, as discussed further *infra,* posed certain questions in rhetorical fashion. ZTE then proceeded to summarize its response upon ''discovering'' the failure to implement the stated employee disciplinary actions prior to March 2018, including its decision to notify BIS of the failures. The company also described the asserted remedial steps it had taken to

Justice Department's National Security Division and the U.S. Attorney's Office for the Northern District of Texas, and entered into a settlement agreement with the Treasury Department's Office of Foreign Assets Control. The civil penalties (including the $661 million civil penalty imposed by BIS) and the criminal fine and forfeiture totaled, when combined, approximately $1.19 billion.

[2] Some of the disciplinary actions ZTE discussed in its November 30, 2016 letter relate to employees who resigned from ZTE well before the date of that letter, including some even as far back as 2012 and 2013. ZTE asserted that such employees left the company by ''mutual understanding.'' Including these employees allowed ZTE to inflate the number of employees listed as subject to disciplinary action, and the material provided by ZTE to date does not establish that they were, in fact, subject to such action. The false statements discussed as violations in this order do not include, however, ZTE's statements relating to the circumstances under which these employees left the company. Nor do the false statements at issue relate to an employee referenced in the July 20, 2017 letter, concerning whom ZTE did not clearly state that disciplinary action had been taken. This order also does not relate to any issues relating to the termination of four officials addressed as part of the criminal plea agreement.

date, including the issuance in March 2018, of the letters of reprimand that were to have been sent in 2016–2017. ZTE additionally asserted that, for current employees whose 2016 bonus should have been reduced (by 30% to 50%), it would deduct the corresponding amount from their 2017 annual bonuses ''to the extent permitted under Chinese law.'' ZTE also said it will pursue recovery from (certain) former employees of bonus payments for 2016 that the company had informed the U.S. Government would be reduced, but, contrary to those statements, were paid in full. Finally, ZTE reiterated what it described as the company's serious commitment to export control compliance and summarized its plan to continue its internal investigation of the matter.

ZTE's Pattern of Deception, False Statements, and Repeated Violations of U.S. Law

In issuing the March 13, 2018 notice letter to ZTE, and in considering ZTE's response, I have taken into account the course of ZTE's dealings with the U.S. Government during BIS's multi-year investigation, which demonstrate a pattern of deception, false statements, and repeated violations. I note the multiple false and misleading statements made to the U.S. Government during its investigation of ZTE's violations of the Regulations, and the behavior and actions of ZTE since then. ZTE's July 20, 2017 letter is brimming with false statements in violation of § 764.2(g) of the Regulations, and is the latest in a pattern of the company making untruthful statements to the U.S. Government and only admitting to its culpability when compelled by circumstances to do so. That pattern can be seen in the November 30, 2016 letter, which falsely documented steps the company said it was taking and had taken, as well as in the 96 admitted evasion violations described in the PCL, which detailed the company's efforts to destroy evidence of its continued export control violations.

In agreeing to the Settlement Agreement and the imposition of the March 23, 2017 Order, ZTE admitted committing 380 violations of the Regulations as those violations were alleged in BIS's PCL. The PCL detailed an extensive conspiracy, including as laid out in a 2011 company memorandum drafted by ZTE Corporation's Legal Department and ratified by its then-CEO, to evade U.S. export control laws and facilitate unlicensed exports to Iran. During the conspiracy, ZTE leadership and staff employed multiple strategies in an attempt to conceal or obscure the true nature and extent of the company's role in the transactions and thereby facilitate its evasion of U.S. export controls, of which ZTE had detailed knowledge. As a result of the conspiracy, ZTE was able to obtain hundreds of millions of dollars in contracts with and sales from Iranian entities to ship routers, microprocessors, and servers controlled under the Regulations for national security, encryption, regional security, and/or anti-terrorism reasons to Iran.

ZTE Cover-Up Activity

Of the 380 alleged and admitted violations, ZTE committed 96 evasion violations relating to its actions to obstruct and delay the U.S. Government's investigation.[3] These violations included making knowingly false and misleading representations and statements to BIS special agents and other federal law enforcement agents and agency official during a series of meetings between August 26, 2014, and at least January 8, 2016, including that the company had previously stopped shipments to Iran as of March 2012, and that it was no longer violating U.S. export control laws. In doing so, ZTE acted through outside counsel, who were unaware that the representations and statements that ZTE had given to counsel for communication to the U.S. Government were false and misleading. ZTE failed to correct those representations and statements, which were continuing in effect, until beginning to do so (via outside counsel) on April 6, 2016.

ZTE also engaged in an elaborate scheme to prevent disclosure to the U.S. Government, and, in fact, to affirmatively mislead the Government, by deleting and concealing documents and information from the outside counsel and forensic accounting firm that ZTE had retained with regard to the investigation. Between January and March 2016, ZTE went so far as to form and operate a ''Contract Data Induction Team'' made up of ZTE employees tasked with destroying, removing, and sanitizing all materials concerning transactions or other activities relating to ZTE's Iran business that post-dated March 2012. ZTE required each of the team members to sign a non-disclosure agreement covering the ZTE transactions and activities the team was directed to hide from the U.S. Government, subject to a penalty of 1 million RMB (or approximately $150,000) payable to ZTE if it determined that a disclosure occurred.

Determination To Activate the Suspended Denial Order

It was with this backdrop in mind, as more fully alleged in the PCL, that the Settlement Agreement and the March 23, 2017 Order mandate that ZTE truthfully disclose, upon request, all factual information (not subject to certain privileges, which are inapplicable here), and that led BIS to make its February 2, 2018 request for information relating to the employee disciplinary actions stated in the November 30, 2016 and July 20, 2017 letters.

BIS has determined that the company's admission, in response to inquiries from BIS, that it made false statements to the U.S. Government during the probationary period under the Settlement Agreement and March 23, 2017 Order indicate that ZTE still cannot be relied upon to make truthful statements, even in the course of dealings with U.S. law enforcement agencies, and even with the prospect of the imposition of a $300 million penalty and/or a seven-year denial order. The provision of false statements to the U.S. Government, despite repeated protestations from the company that it has engaged in a sustained effort to turn the page on past misdeeds, is indicative of a company incapable of being, or unwilling to be, a reliable and trustworthy recipient of U.S.-origin goods, software, and technology. BIS is left to conclude that if the $892 million monetary penalty paid pursuant to the March 23, 2017 Order, criminal plea agreement, and settlement agreement with the Department of the Treasury did not induce ZTE to ensure it was engaging with the U.S. Government truthfully, an additional monetary penalty of up to roughly a third that amount ($300 million) is unlikely to lead to the company's reform.

The false statements ZTE made in the July 20, 2017 letter violate Section 764.2(g) of the Regulations and the terms of the Settlement Agreement and the March 23, 2017 Order, and thus violate the conditions of ZTE's probation under the Agreement and the Order. The false statements in the November 30, 2016 letter, made during the investigation, are pertinent and material in at least two ways.[4] First,

[3] These 96 admitted violations are discussed in fuller detail in the Proposed Charging Letter attached to and incorporated by reference in the Settlement Agreement. In the Settlement Agreement, ZTE admitted each of the allegations and violations contained in the Proposed Charging Letter.

[4] They are also possibly material in another way, as the pertinent 2016 bonus payments may not have been made until after the Settlement Agreement had

they are evidence that ZTE's false statements to the U.S. Government did not cease in April 2016, as are the additional false statements ZTE made in its July 20, 2017 letter. Second, under Section 764.2(g) of the Regulations, all representations, statements, and certifications to BIS or any other relevant agency made, inter alia, in the course of an investigation or other action subject to the Regulations are deemed to be continuing in effect. Notification must be provided to BIS and any other relevant agency, in writing, of any change of any material fact or stated intention previously represented, stated, or certified. Such written notification is to be provided ''immediately upon receipt of any information that would lead a reasonably prudent person to know that a change of material fact or intention has occurred or may occur in the future.'' 15 CFR 764.2(g)(2) (2014–2017).[5] Thus, with regard to the probationary conditions at issue here, ZTE failed to comply even partially with this continuing duty to correct by written notification, from the date of the March 23, 2017 Order until March 8, 2018.[6]

I note that in its response to BIS's notice of proposed activation of suspended sanctions and in making its case for leniency, ZTE acknowledged that it had submitted false statements, but argued that it would have been irrational for ZTE to knowingly or intentionally mislead the U.S. Government in light of the seriousness of the suspended sanctions. The heart of its argument is the question, posed by the company in rhetorical fashion, asking ''why would ZTEC risk paying another $300 million suspended fine and placement on the denied parties list, which would effectively destroy the Company, to avoid sending out employee letters of reprimand and deducting portions of employee bonuses?'' ZTE argued that BIS should not act until the company completed an internal investigation so that ZTE could answer such questions.

ZTE has posed such questions not because additional investigation could render its false statements true, but in the hope of postponing action by the U.S. Government and ultimately avoiding or minimizing the consequences of its additional violations. Similarly, additional time to continue its investigation is unnecessary and irrelevant to the issue of whether the company violated the provision against giving false statements to BIS under Section 764.2(g) of the Regulations, and in violation of the Settlement Agreement and March 23, 2017 Order. The reasons that ZTE violated the EAR are red herrings to BIS's concern that the company has repeatedly made false statements to the U.S. Government—as the company has now repeatedly admitted. As recently as March 21, 2018, in a certification to the U.S. Government signed by ZTE Corporation's Senior Vice President, Chief Legal Officer and Acting Chief Compliance Officer, ZTE admitted that it ''had not executed in full certain employee disciplinary measures that it had previously described in a letter to the U.S. government dated November 30, 2016, and there are inaccuracies in certain statements in the letter dated July 20, 2017.'' Giving ZTE additional time to complete its internal investigation will not erase the company's most recent—in a series—of false statements to the U.S. Government.

Furthermore, ZTE's suggestion that it could or would not have made such a poor or irrational cost-benefit calculation, or otherwise assumed the risks involved, simply ignores the fact that throughout the U.S. Government's investigation ZTE has acted in ways that BIS would consider illogical and unwise. ZTE committed repeated violations of the Regulations and U.S. export control laws *while knowing and accepting* the most significant of liability risks, both before and after it knew it was under investigation. ZTE then raised the risks and stakes even further *while under investigation* by repeatedly lying to BIS and other U.S. law enforcement agencies and engaging in a cover-up scheme to destroy, remove, or sanitize evidence. The bottom line is that the proffered irrationality of the unlawful conduct does not excuse or minimize it; nor does the conduct stand alone, being part of an unacceptable pattern of false and misleading statements and related actions, as discussed above. Moreover, until BIS asked for all of the underlying documentation of the steps that ZTE said it had already taken, some of the most culpable employees faced no consequences—ZTE paid their bonuses and paid them in full and the employees went without reprimand. This is the message ZTE sent from the top.

Based on the totality of circumstances here, I have determined within my discretion that it is appropriate to activate the suspended denial order in full and to suspend the export privileges of ZTE for a period of seven years, until March 13, 2025.[7]

It is therefore ordered:

First, from the date of this Order until March 13, 2025, ZTE Corporation, with a last known address of ZTE Plaza, Keji Road South, Hi-Tech Industrial Park, Nanshan District, Shenzhen, China, and ZTE Kangxun, with a last known address of 2/3 Floor, Suite A, Zte Communication Mansion, Keji (S) Road, Hi-New Shenzhen, 518057 China, and when acting for or on their behalf, their successors, assigns, directors, officers, employees, representatives, or agents (hereinafter each a ''Denied Person''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of a Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership,

been executed or after it had been approved via the March 23, 2017 Order. The November 30, 2016 letter indicated that 2016 bonus figures would be ''announced in March 2017.''

[5] Under the Regulations, ''[k]nowledge of a circumstance (the term may be a variant, such as 'know,' 'reason to know,' or 'reason to believe') includes not only positive knowledge that the circumstance exists or is substantially certain to occur, but also an awareness of a high probability of its existence or future occurrence. Such awareness is inferred from evidence of the conscious disregard of facts known to a person and is also inferred from a person's willful avoidance of facts.'' *See* 15 CFR 772.1 (parenthetical in original).

[6] As discussed *supra* and in the March 13, 2018 notice letter, ZTE did provide some notice by telephone on March 6, 2018.

[7] This date is seven years from the date of BIS's March 13, 2018 Notice of Proposed Activation of Suspended Sanctions and Opportunity to Respond in this matter.

possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to a Denied Person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

Fourth, that this Order shall be served on ZTE, and shall be published in the **Federal Register**.

This Order is effective immediately.

Issued this 15th day of April 2018.

Richard R. Majauskas,

Acting Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2018–08354 Filed 4–20–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–822]

Welded Line Pipe From the Republic of Turkey: Rescission of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on welded line pipe from the Republic of Turkey (Turkey) for the period December 1, 2016, through November 30, 2017.

DATES: Applicable April 23, 2018.

FOR FURTHER INFORMATION CONTACT: Alice Maldonado or David Crespo, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4682 or (202) 482–3693, respectively.

Background

On December 4, 2017, Commerce published in the **Federal Register** a notice of ''Opportunity to Request Administrative Review'' of the antidumping duty order on welded line pipe from Turkey for the period December 1, 2016, through November 30, 2017.[1] In December 2017, Commerce received a timely request, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), to conduct an administrative review of this antidumping duty order from one of the petitioners in this case, Maverick Tube Corporation (Maverick).[2] Based upon this request, on February 23, 2018, in accordance with section 751(a) of the Act, Commerce published in the **Federal Register** a notice of initiation listing 19 companies for which Maverick requested a review.[3]

On April 12, 2018, Maverick withdrew its request for an administrative review.[4]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. The aforementioned withdrawal request was timely submitted, and no other interested party requested an administrative review of any company. Therefore, we are rescinding the administrative review of the antidumping duty order on welded line pipe from Turkey covering the period December 1, 2016, through November 30, 2017.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 751 of the Act and 19 CFR 351.213(d)(4).

Dated: April 17, 2018.

James Maeder,

Associate Deputy Assistant Secretary, for Antidumping and Countervailing Duty Operations, performing the duties of Deputy Assistant Secretary, for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–08392 Filed 4–20–18; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 82 FR 57219 (December 4, 2017).

[2] *See* Letter from Maverick to Commerce, ''Welded Line Pipe from the Republic of Turkey: Request for Administrative Review,'' dated December 29, 2017.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 8058 (February 23, 2018).

[4] *See* Letter from Maverick to Commerce, ''Welded Line Pipe from the Republic of Turkey: Withdrawal of Request for Administrative Review,'' dated April 12, 2018.

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 92–14A001]

Export Trade Certificate of Review

ACTION: Notice of Application to amend the Export Trade Certificate of Review issued to Aerospace Industries Association of America, Inc., Application No. 92–14A001.

SUMMARY: The Office of Trade and Economic Analysis (''OTEA'') of the International Trade Administration, Department of Commerce, received an application to amend an Export Trade Certificate of Review (''Certificate''). This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, Office of Trade and Economic Analysis, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or email at *etca@trade.gov*.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked as privileged or confidential business information will be deemed to be nonconfidential.

An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce, Room 21028, Washington, DC 20230.

Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 92–14A001.''

The Aerospace Industries Association of America Inc. (''AIA'') original Certificate was issued on September 8, 1992 (57 FR 41920, September 14, 1992). A summary of the current application for an amendment follows.

Summary of the Application

Applicant: AIA, 1000 Wilson Boulevard, Suite 1700, Arlington, VA 22209.

Contact: Matthew F. Hall, General Counsel, Telephone: (202) 862–9700.

Application No.: 92–14A001.

Date Deemed Submitted: April 4, 2018.

Proposed Amendment: AIA seeks to amend its Certificate to:

1. Add the following companies as new Members of the Certificate within the meaning of section 325.2(l) of the Regulations (15 CFR 325.2(l)):

- ACUTRONIC USA, Inc.; Pittsburgh, PA (controlling entity ACUTRONIC Holding AG; Bubikon, Switzerland)
- ADI American Distributors LLC; Randolph, NJ
- Advanced Logistics for Aerospace (ALA); New York, NY (controlling entity ALA SpA; Naples, Italy)
- Aernnova Aerospace; Ann Arbor, MI (controlling entity Aernnova Aerospace; Miñano, Spain)
- Aero Metals Alliance Inc.; Northbrook, IL (controlling entity Aero Metals Alliance; Surrey, UK)
- AeroVironment, Inc.; Monrovia, CA
- AlixPartners, LLP; New York, NY
- Alta Devices, Inc.; Sunnyvale, CA (controlling entity Hanergy Holding Group Ltd.; Beijing, China)
- Altitude Industries, LLC; Overland Park, KS
- Amazon.com, Inc.; Seattle, WA
- American Metal Bearing Company; Garden Grove, CA (controlling entity Marisco, Ltd.; Kapolei, HI)
- Athena Manufacturing, LP; Austin, TX
- Boom Technology, Inc.; Denver, CO
- BRPH Architects Engineers, Inc.; Melbourne, FL
- Burns & McDonnell Engineering Corporation, Inc.; Kansas City, MO
- BWX Technologies, Inc.; Lynchburg, VA
- Cytec Engineered Materials, Inc.; Tempe, AZ (controlling entity Solvay Group; Brussels, Belgium)
- Delta Flight Products; Atlanta, GA (controlling entity Delta Air Lines, Inc.; Atlanta, GA)
- EPTAM Plastics; Northfield, NH
- Garmin International, Inc.; Olathe, KS (controlling entity Garmin Ltd.; Schaffhausen, Switzerland)
- General Atomics Aeronautical Systems, Inc.; Poway, CA (controlling entity General Atomics; San Diego, CA)
- Google LLC; Mountain View, CA (controlling entity Alphabet Inc.; Mountain View, CA)
- GSE Dynamics, Inc.; Hauppauge, NY
- Information Services Group, Inc.; Stamford, CT
- Integral Aerospace, LLC; Santa Ana, CA
- ITT Inc.; White Plains, NY
- Job Performance Associates, LLC; Jacksonville, FL
- JR Industries, Inc.; Westlake Village, CA
- ManTech International Corporation; Fairfax, VA
- Mercury Systems, Inc.; Andover, MA
- Net-Inspect, LLC; Kirkland, WA
- New England Airfoil Products, Inc.; Farmington, CT
- Nokia US; Murray Hill, NJ (controlling entity Nokia Corporation; Espoo, Finland)
- Norsk Titanium US Inc.; Plattsburgh, NY (controlling entity Norsk Titanium AS; Hønefoss, Norway)
- Omega Aerial Refueling Services, Inc.; Alexandria, VA
- Orbital ATK, Inc.; Dulles, VA
- Pegasus Steel, LLC; Goose Creek, SC
- PrecisionHawk Inc.; Raleigh, NC
- Primus Aerospace; Lakewood, CO
- PTC Inc.; Needham, MA
- Range Generation Next LLC; Sterling, VA (controlling entities Raytheon Company; Waltham, MA and General Dynamics IT; Fairfax, VA)
- Special Aerospace Services, LLC; Boulder, CO
- SupplyOn North America, Inc.; San Diego, CA (controlling entity SupplyOn AG; Hallbergmoos, Germany)
- The Aerospace Corporation, Civil Systems Group; El Segundo, CA (controlling entity The Aerospace Corporation; El Segundo, CA)
- The Lundquist Group LLC; New York, NY
- Tribus Aerospace Corporation; Poway, CA
- TT Electronics; Perry, OH (controlling entity TT Electronics plc; Woking, UK)
- Unitech Aerospace; Hayden, ID

2. Delete the following companies as Members of AIA's Certificate:

- Accurus Aerospace Corporation, LLC
- Aerospace Exports Incorporated
- AirMap
- Ascent Manufacturing, Inc.
- Aurora Flight Sciences Corporation
- Barnes Group Inc.
- C4 Associates, Inc.
- Camcode Division of Horizons, Inc.
- Castle Metals
- CDI Corporation
- Curtiss-Wright Corporation
- Cytec Industries, Inc.
- FLIR Systems, Inc.
- Fluor Corporation, Inc.
- HP Enterprise Services—Aerospace
- J Anthony Group, LLC
- Lavi Systems, Inc.
- LMI Aerospace, Inc.
- Micro-Coax, Inc.
- NYLOK, LLC
- Oxford Performance Materials
- Park-Ohio Holdings Corp
- SCB Training, Inc.
- Seal Science, Inc.
- SIFCO Industries, Inc.
- SITA
- Spacecraft Components Corporation
- Sunflower Systems
- United Parcel Services of America, Inc.
- Verizon Enterprise Solutions, Inc.
- Vogelhood

3. Change in name or address for the following Members:

- Acutec Precision Machining, Inc. of Saegertown, PA is now named Acutec Precision Aerospace, Inc. of Meadville, PA.
- Alcoa Defense of Crystal City, VA is now named Arconic Inc. of New York, NY.
- Computer Sciences Corporation of Falls Church, VA is now named DXC Technology Company of Tysons Corner, VA.

AIA's proposed amendment of its Export Trade Certificate of Review would result in the following membership list:

- 3M Company; St. Paul, MN
- AAR Corp.; Wood Dale, IL
- Accenture; Chicago, IL
- Acutec Precision Aerospace, Inc.; Meadville, PA
- ACUTRONIC USA, Inc.; Pittsburgh, PA
- ADI American Distributors LLC; Randolph, NJ
- Advanced Logistics for Aerospace (ALA); New York, NY
- Aerion Corporation; Reno, NV
- Aernnova Aerospace; Ann Arbor, MI
- Aerojet Rocketdyne; Rancho Cordova, CA
- Aero-Mark, LLC; Ontario, CA
- Aero Metals Alliance, Inc.; Northbrook, IL
- AeroVironment, Inc.; Monrovia, CA
- AGC Aerospace & Defense; Oklahoma City, OK
- Aireon LLC; McLean, VA
- AlixPartners, LLP; New York, NY
- Allied Telesis, Inc.; Bothell, WA
- Alta Devices, Inc.; Sunnyvale, CA
- Altitude Industries, LLC; Overland Park, KS
- Amazon.com, Inc.; Seattle, WA
- American Metal Bearing Company; Garden Grove, CA
- American Pacific Corporation; Las Vegas, NV
- Analytical Graphics, Inc.; Exton, PA
- Apex International Management Company; Daytona Beach, FL
- Arconic Inc.; New York, NY
- Astronautics Corporation of America; Milwaukee, WI
- Astronics Corporation, East Aurora, NY
- Athena Manufacturing, LP; Austin, TX
- AUSCO, Inc.; Port Washington, NY
- Avascent; Washington, DC
- B&E Group, LLC; Southwick, MA
- BAE Systems, Inc.; Rockville, MD
- Ball Aerospace & Technologies Corp.; Boulder, CO
- Belcan Corporation; Cincinnati, OH
- Benchmark Electronics, Inc.; Angleton, TX
- Bombardier; Montreal, Canada
- Boom Technology, Inc.; Denver, CO
- Boston Consulting Group; Boston, MA
- BRPH Architects Engineers, Inc.; Melbourne, FL
- Burns & McDonnell Engineering Corporation, Inc.; Kansas City, MO
- BWX Technologies, Inc.; Lynchburg, VA
- CADENAS PARTsolutions, LLC; Cincinnati, OH
- CAE USA; Tampa, FL
- Capgemini; New York, NY
- Celestica Inc.; Toronto, Canada
- Click Bond, Inc.; Carson City, NV
- Cobham; Arlington, VA
- CPI Aerostructures, Inc.; Edgewood, NY
- Crane Aerospace & Electronics; Lynnwood, WA
- Cubic Corporation, Inc.; San Diego, CA
- Cyient Ltd.; East Hartford, CT
- Cytec Engineered Materials, Inc., Tempe, AZ
- Deloitte Consulting LLP; New York, NY
- Delta Flight Products; Atlanta, GA
- Denison Industries, Inc.; Denison, TX
- Ducommun Incorporated; Carson, CA
- DuPont Company; New Castle, DE
- DXC Technology Company, Tysons Corner, VA
- Eaton Corporation; Cleveland, OH
- Elbit Systems of America, LLC; Fort Worth, TX
- Embraer Aircraft Holding Inc.; Fort Lauderdale, FL
- EPS Corporation; Tinton Falls, NJ
- EPTAM Plastics; Northfield, NH
- Ernst & Young LLP; New York, NY
- Esterline Technologies; Bellevue, WA
- Exostar LLC; Herndon, VA
- Facebook, Inc.; Menlo Park, CA
- Flextronics International USA; San Jose, CA
- Flight Safety International Inc.; Flushing, NY
- FS Precision Tech, Co. LLC; Compton, CA
- FTG Circuits, Inc.; Chatsworth, CA
- Garmin International, Inc.; Olathe, KS
- General Atomics Aeronautical Systems, Inc.; Poway, CA
- General Dynamics Corporation; Falls Church, VA
- General Electric Aviation; Cincinnati, OH
- GKN Aerospace North America; Irving, TX
- Google, LLC; Mountain View, CA
- GSE Dynamics, Inc.; Hauppauge, NY
- Harris Corporation; Melbourne, FL
- HCL America Inc.; Sunnyvale, CA
- HEICO Corporation; Hollywood, FL
- Hexcel Corporation; Stamford, CT
- Honeywell Aerospace; Phoenix, AZ
- Huntington Ingalls Industries, Inc.; Newport News, VA
- IBM Corporation; Armonk, NY
- Information Services Group, Inc.; Stamford, CT
- Integral Aerospace, LLC; Santa Ana, CA
- Iron Mountain, Inc.; Boston, MA
- ITT Inc.; White Plains, NY
- Jabil Defense & Aerospace Services LLC; St. Petersburg, FL
- Job Performance Associates, LLC; Jacksonville, FL
- JR Industries, Inc.; Westlake Village, CA
- Kaman Aerospace Corporation; Bloomfield, CT
- KPMG LLP; New York, NY
- Kratos Defense & Security Solutions, Inc.; San Diego, CA
- L–3 Communications Corporation; New York, NY
- LAI International, Inc.; Scottsdale, AZ
- Leidos, Inc.; Reston, VA
- Lockheed Martin Corporation; Bethesda, MD
- Lord Corporation; Cary, NC
- LS Technologies, LLC; Fairfax, VA
- Mantech International Corporation; Fairfax, VA
- Marotta Controls, Inc.; Montville, NJ
- Meggitt-USA, Inc.; Simi, CA
- Mercury Systems, Inc.; Andover, MA
- Microsemi Corporation; Aliso Viejo, CA
- Momentum Aviation Group; Woodbridge, VA
- MOOG Inc.; East Aurora, NY
- MTorres Americas; Bothell, WA
- National Technical Systems, Inc.; Calabasas, CA

- NEO Tech.; Chatsworth, CA
- Net-Inspect, LLC; Kirkland, WA
- New England Airfoil Products, Inc.; Farmington, CT
- Nokia US; Murray Hill, NJ
- Norsk Titanium US Inc.; Plattsburgh, NY
- Northrop Grumman Corporation; Los Angeles, CA
- Omega Aerial Refueling Services, Inc.; Alexandria, VA
- O'Neil & Associates, Inc.; Miamisburg, OH
- Orbital ATK, Inc.; Dulles, VA
- Pacific Design Technologies; Goleta, CA
- Parker Aerospace; Irvine, CA
- Pegasus Steel, LLC; Goose Creek, SC
- Plexus Corporation; Neenah, WI
- PPG Aerospace-Sierracin Corporation; Sylmar, CA
- PrecisionHawk Inc.; Raleigh, NC
- Primus Aerospace; Lakewood, CO
- Primus Technologies Corporation; Williamsport, PA
- PTC Inc.; Needham, MA
- PWC Aerospace & Defense Advisory Services; McLean, VA
- Range Generation Next LLC; Sterling, VA
- Raytheon Company; Waltham, MA
- Rhinestahl Corporation; Mason, OH
- Rix Industries; Benecia, CA
- Rockwell Collins; Cedar Rapids, IA
- Rolls-Royce North America Inc.; Reston, VA
- salesforce.com, inc.; San Francisco, CA
- SAP America, Inc.; Newtown Square, PA
- Securitas Critical Infrastructure Services, Inc.; Springfield, VA
- Siemens PLM Software; Plano, TX
- Sierra Nevada Corporation, Space Systems; Littleton, CO
- Sparton Corporation; Schaumburg, IL
- Special Aerospace Services, LLC; Boulder, CO
- Spirit AeroSystems; Wichita, KS
- SupplyOn North America, Inc.; San Diego, CA
- Tech Manufacturing, LLC; Wright City, MO
- Textron Inc.; Providence, RI
- The Aerospace Corporation, Civil Systems Group; El Segundo, CA
- The Boeing Company; Chicago, IL
- The Lundquist Group LLC
- The NORDAM Group, Inc.; Tulsa, OK
- The Padina Group, Inc.; Lancaster, PA
- Therm, Incorporated; Ithaca, NY
- Tip Technologies; Waukesha, WI
- Tribus Aerospace Corporation; Poway, CA
- TriMas Aerospace; Los Angeles, CA
- Triumph Group, Inc.; Wayne, PA
- TT Electronics; Perry, OH
- Universal Protection Services; Santa Ana, CA
- Unitech Aerospace; Hayden, ID
- United Technologies Corporation; Hartford, CT
- Verify, Inc.; Irvine, CA
- Virgin Galactic, LLC; Las Cruces, NM
- Wesco Aircraft Hardware Corporation; Valencia, CA
- Woodward, Inc.; Fort Collins, CO
- Xerox; Norwalk, CT

Dated: April 16, 2018.

Joseph Flynn,

Director, Office of Trade and Economic Analysis, International Trade Administration.

[FR Doc. 2018–08404 Filed 4–20–18; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–074]

Common Alloy Aluminum Sheet From the People's Republic of China: Preliminary Affirmative Countervailing Duty (CVD) Determination, Alignment of Final CVD Determination With Final Antidumping Duty Determination, and Preliminary CVD Determination of Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of common alloy aluminum sheet (common alloy sheet) from the People's Republic of China (China). The period of investigation is January 1, 2016, through December 31, 2016. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable April 23, 2018.

FOR FURTHER INFORMATION CONTACT: Yasmin Bordas, Lana Nigro, or John Anwesen, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3813, (202) 482–1779, or (202) 482–0131, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on December 4, 2017.[1] On January 19, 2018, Commerce postponed the preliminary determination of this investigation until April 16, 2018.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is common alloy sheet from China. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* Commerce intends to issue its preliminary decision regarding comments concerning the scope of the antidumping duty (AD) and CVD investigations in the preliminary determination of the companion AD investigation.

[1] *See Common Alloy Aluminum Sheet from the People's Republic of China: Initiation of Less-Than-Fair-Value and Countervailing Duty Investigation,* 82 FR 57214 (December 4, 2017) (*Initiation Notice*).

[2] *See Common Alloy Aluminum Sheet from the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation,* 83 FR 2768 (January 19, 2018); *see also* Commerce memorandum, ''Countervailing Duty Investigation of Common Alloy Aluminum Sheet from the People's Republic of China: Correction of the Preliminary Determination Deadline,'' dated April 9, 2018.

[3] *See* Decision Memorandum for the Preliminary Affirmative Determination: Countervailing Duty Investigation of Common Alloy Aluminum Sheet from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[6] In making these findings, we relied, in part, on facts available and, because one or more respondents did not act to the best of their ability to respond to Commerce's requests for information, we drew an adverse inference where appropriate in selecting from among the facts otherwise available.[7] For further information, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances, in Part

In accordance with section 703(e)(1) of the Act, Commerce preliminarily determines that critical circumstances exist with respect to imports of common alloy sheet from China for Chalco Ruimin Co., Ltd.; Chalco-SWA Cold Rolling Co., Ltd., and all other exporters or producers not individually examined. Commerce preliminarily determines that critical circumstances do not exist with respect to Yong Jie New Material Co., Ltd.; Henan Mingtai Industrial Co., Ltd.; and Zhengzhou Mingtai Industry Co., Ltd. For a full description of the methodology and results of Commerce's analysis, *see* the Preliminary Decision Memorandum.

Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final determination in this investigation with the final determination in the companion AD investigation of common alloy sheet from China. Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than August 29, 2018, unless postponed.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act. Notwithstanding the language of section 705(c)(5)(A)(i) of the Act, we have not calculated the ''all-others'' rate by weight-averaging the rates of the two individually investigated respondents, because doing so risks disclosure of proprietary information. Therefore, for the ''all-others'' rate, we calculated a simple average of the two responding companies' rates.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent)
Chalco Ruimin Co., Ltd	113.30
Chalco-SWA Cold Rolling Co., Ltd	113.30
Henan Mingtai Industrial Co., Ltd./Zhengzhou Mingtai Industry Co., Ltd[8]	34.99
Yong Jie New Material Co., Ltd[9]	31.20
All-Others	33.10

Suspension of Liquidation

In accordance with section 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Section 703(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the later of (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered, or (b) the date on which notice of initiation of the investigation was published. Commerce preliminarily finds that critical circumstances exist for imports of subject merchandise produced and/or exported by Chalco Ruimin Co., Ltd.; Chalco-SWA Cold Rolling Co., Ltd., and all other exporters or producers not individually examined. In accordance with section 703(e)(2)(A) of the Act, the suspension of liquidation shall apply to unliquidated entries of merchandise from the exporters/producers identified in this paragraph that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of this notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[10] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the

[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[7] *See* sections 776(a) and (b) of the Act.

[8] As discussed in the Preliminary Decision Memorandum, Commerce has found Henan Gongdian Thermal Co., Ltd. to be cross-owned with Henan Mingtai Industrial Co., Ltd. and Zhengzhou Mingtai Industry Co., Ltd.

[9] As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with Yong Jie New Material: Zhejiang Yongjie Aluminum Co., Ltd.; Zhejiang Nanjie Industry Co., Ltd; Zhejiang Yongjie Holding Co., Ltd; and Nanjie Resources Co., Ltd.

[10] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

number of participants, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: April 16, 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 I

Scope of the Investigation

The merchandise covered by the investigation is aluminum common alloy sheet (common alloy sheet), which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of the investigation includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core.

Common alloy sheet may be made to ASTM specification B209–14, but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the common alloy sheet.

Excluded from the scope of the investigation is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

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 for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3090, 7606.12.6000, 7606.91.3090, 7606.91.6080, 7606.92.3090, and 7606.92.6080. Further, merchandise that falls within the scope of these investigation may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3030, 7606.91.3060, 7606.91.6040, 7606.92.3060, 7606.92.6040, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–08391 Filed 4–20–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG165

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. This Exempted Fishing Permit would exempt one commercial fishing vessel from the Northeast multispecies minimum mesh size and minimum fish size regulations in support of gear research to target healthy haddock and redfish stocks.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before May 8, 2018.

ADDRESSES: You may submit written comments by any of the following methods:

- *Email: nmfs.gar.efp@noaa.gov.* Include in the subject line ''GMRI Off-bottom Trawl EFP.''
- *Mail:* Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''GMRI Off-bottom Trawl EFP.''

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Management Specialist, 978–281–9232.

SUPPLEMENTARY INFORMATION: The Gulf of Maine Research Institute (GMRI) submitted a complete application for an Exempted Fishing Permit (EFP) on March 20, 2018, in support of a 2016 Saltonstall-Kennedy Program project titled ''Complementary testing of off-bottom trawls to target Georges Bank haddock.'' The EFP would exempt one fishing vessel from minimum mesh size requirements at 50 CFR 648.80(a)(3)(ii) and temporarily exempt the vessel from minimum fish size requirements in 50 CFR part 648, subparts B and D through

O, for biological sampling purposes only. An EFP for this project was issued during the 2017 fishing year; however, no activity was conducted under the EFP.

The project would test the efficacy of an off-bottom trawl fitted with a small-mesh codend to access healthy haddock and redfish stocks while avoiding other groundfish stocks. Additional project objectives include the development of a fuel-efficient trawl that also reduces disruption to benthic habitat. One vessel, the F/V *Teresa Marie IV,* would conduct a three-phase research plan to test the off-bottom trawl with two different codends: A 4.5-inch (11.43-cm) diamond mesh when targeting redfish; and a 5.1-inch (12.954-cm) square mesh when targeting haddock. The proposed EFP trips for each phase of this project are summarized in Table 1. The proposed off-bottom trawl would require an exemption from the Northeast multispecies minimum mesh size requirements because the codend and extension mesh size would be less than the minimum regulated mesh.

The 4.5-inch (11.43-cm) diamond mesh codend was previously authorized for use in the redfish exempted fishery, through a regulatory exemption to sectors, based on the results of previous redfish selectivity research (REDNET). This exemption has been modified a number of times in order to balance the conservation requirements, and economic goals of the fishery. In fishing year 2017, a 5.5-inch (14.0-cm) mesh was authorized within the redfish exemption area. During the REDNET study, substantial catches of redfish with low levels of incidental catch or bycatch of regulated species were observed when using a 4.5-inch (11.43-cm) mesh codend. Under this EFP, testing of the net outfitted with the 4.5-inch (11.43-cm) mesh codend would only occur in the Redfish Exemption Area.

The square-mesh 5.1-inch (13.0-cm) codend was selected based on the Canadian haddock fishery, which uses a 5-inch (12.7-cm) square-mesh codend. The Canadian Department of Fisheries and Oceans has also conducted studies on the selectivity of various mesh sizes. This codend mesh size has been approved for use in a previous EFP issued to Atlantic Trawlers Fishing, Inc. Only a small number of trips were taken under that EFP, which limited the ability to produce statistically reliable results.

During Phase 1, the captain and crew of the F/V *Teresa Marie IV* would familiarize themselves with the operation of the off-bottom trawl. Testing would include how to deploy the trawl to a desired operating depth, maintain depth, adjust depth, and haul back. Tow duration could be as short as 30 minutes or as long as 3 to 4 hours, depending on the outcome of the gear testing. A GMRI research technician would be on board to conduct catch sampling and collect data on the performance of the net. Catch is likely to be minimal in this phase; many tows will be conducted in areas where limited catch is expected, as the purpose of this phase to optimize gear performance, not demonstrate catch composition. However, any legal-size groundfish catch would be retained for sale, consistent with the Northeast Multispecies Fishery Management Plan (FMP), and all catch would be attributed against the applicable sector Annual Catch Entitlement (ACE).

In Phase 2, the off-bottom trawl would be evaluated during a 5-day controlled study on-board the F/V *Teresa Marie IV* conducted in August or September 2017. The off-bottom trawl would be tested at two towing speeds (three and four kts) while actively fishing in order to represent normal working conditions. Underwater cameras would be used to film the off-bottom trawl in operation. Catch would be retained for sale and attributed against the applicable sector ACE. Phase 3 would test the off-bottom trawl using both codends under a wide range of commercial conditions to broadly characterize the fishing performance of the net. Phase 3 would include ten 8-day trips occurring from August through December 2017. For Phase 2 and 3, catch would be retained for sale and attributed against the applicable sector ACE.

TABLE 1—PROPOSED EFP TRIPS

Phase	Number of trips	DAS per trip	Season	Location (statistical areas)	Target species
1	1	5	August/September	512, 513, 515 (3 days)	Redfish.
				521, 522 (2 days)	Haddock.
2	1	5	August/September	512, 513, 515 (3 days)	Redfish.
				521, 522 (2 days)	Haddock.
3	10	8	August–October	521, 522 (5 days)	Haddock.
				512, 513, 515 (3 days)	Redfish.
			October–December	512, 513, 515 (5 days)	Redfish.
				521, 522 (5 days)	Haddock.

Catch from the F/V *Teresa Marie IV* using a haddock separator trawl in fishing year 2016 was used to estimate anticipated catch using the off-bottom trawl for this project. The average catch of haddock per trip was 5,500 lb (2,495 kg) in the Gulf of Maine, 6,400 lb (2,903 kg) in the Eastern U.S./Canada management area of Georges Bank, and 22,300 lb (10,115 kg) in Georges Bank West. The average catch of redfish in the Gulf of Maine was 2,000 lb (907 kg) per trip. The average catch of cod per trip was 180 lb (82 kg) in the Gulf of Maine, 70 lb (32 kg) in the Eastern U.S./Canada management area of Georges Bank, and 530 lb (240 kg) in Georges Bank West. The off-bottom trawl is expected to catch at least as much haddock as a bottom trawl, with substantial reductions in cod catch, and the complete elimination of flatfish catch. If these ratios are not realized, GMRI indicated that the off-bottom trawl would be deemed unsuccessful, and the project may be abandoned.

All trips would carry a GMRI sampler, an assigned at-sea observer, or an independently contracted data collection technician. In Phases 1 and 2, a GMRI sampler would be onboard to document the operational performance of the off-bottom trawl, and sample catch. In Phase 3, a GMRI sampler would be onboard the F/V *Teresa Marie IV* during at least two fishing trips. An assigned at-sea observer or independent contracted data collection technician would collect data during remaining trips with the off-bottom trawl. The volume of the catch is anticipated to be large, so sub-sampling protocols have been developed. A sub-sample of the total catch would be taken from the checker pens to estimate total catch, including cod and other non-target

species by weight. All fish in the sub-sample would be weighed, and length measurements would be taken for cod and other non-target catch. All bycatch would be returned to the sea as soon as practicable following data collection. Exemption from minimum sizes would support catch sampling activities and ensure the vessel is not in conflict with possession regulations while collecting catch data. All trips would otherwise be conducted in a manner consistent with normal commercial fishing conditions and catch consistent with the Northeast Multispecies FMP would be retained for sale. Trips not accompanied by GMRI researchers would be required to carry an At-Sea Monitor (ASM), Northeast Fishery Observer Program (NEFOP) observer, or privately contracted data collection technician. On trips assigned to carry an ASM or observer by NEFOP, normal sampling protocols would be carried out. The vessel is responsible for notifying its monitoring provider of upcoming research trips and ensuring a research technician is present on all EFP trips not selected for observer coverage through Pre-Trip Notification System.

GMRI needs this exemption to allow them to conduct testing of a net configuration that is prohibited by the current regulations. If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: April 18, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–08390 Filed 4–20–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine Mammals and Endangered Species

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

ACTION: Notice; issuance of permits and permit amendments.

SUMMARY: Notice is hereby given that permits or permit amendments have been issued to the following entities under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable.

ADDRESSES: The permits and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone: (301) 427–8401; fax: (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore (Permit No. 21339), Erin Markin (Permit Nos. 21169 and 21301), Amy Hapeman (Permit No. 21367); Courtney Smith (Permit Nos. 16479–04 and 21059), Carrie Hubard (Permit Nos. 19655–01, 19703, and 20993), and Shasta McClenahan (Permit No. 21966) at (301) 427–8401.

SUPPLEMENTARY INFORMATION: Notices were published in the **Federal Register** on the dates listed below that requests for a permit or permit amendment had been submitted by the below-named applicants. To locate the **Federal Register** notice that announced our receipt of the application and a complete description of the research, go to *www.federalregister.gov* and search on the permit number provided in the table below.

Permit No.	RIN	Applicant	Previous **Federal Register** notice	Permit or Amendment issuance date
16479–04	0648–XA84 ..	Pacific Whale Foundation (Responsible Party: Jens Curie, M.Sc.), 300 Maalaea Road, Suite 211, Wailuku, HI 96793.	82 FR 29053; June 27, 2017 ..	March 28, 2018.
19655–01	0648–XF085	Adam Pack, Ph.D., University of Hawaii at Hilo, 200 West Kawili Street, Hilo, HI 96720.	82 FR 3727; January 12, 2017	March 30, 2018.
19703	0648–XF154	Fred Sharpe, Ph.D., Alaska Whale Foundation, 4739 University Way NE, No. 1230, Seattle, WA 98105.	82 FR 4860; January 17, 2017	March 30, 2018.
20993	0648–XF154	Christopher Cilfone, Be Blue, 2569 Douglas Highway, Unit 1, Juneau, AK 99801.	82 FR 29053; June 27, 2017 ..	March 12, 2018.
21059	0648–XF378	Glacier Bay National Park and Preserve (Responsible Party: Philip N. Hooge, Ph.D.), P.O. Box 140, Gustavus, AK 99826.	82 FR 32328; July 13, 2017	March 30, 2018.
21169	0648–XF619	Inwater Research Group, Inc. (Responsible Party: Michael Bresette), 4160 NE Hyline Drive, Jensen Beach, FL 34957.	82 FR 42984; September 12, 2017.	March 9, 2018.
21301	0648–XF528	Kara Dodge, Woods Hole Oceanographic Institution, MS#33, Redfield 256, Woods Hole, MA 02543.	82 FR 41001; August 29, 2017	March 9, 2018.
21367	0648–XF862	Christopher Marshall, Ph.D., Texas A&M University at Galveston, 200 Seawolf Parkway, Galveston, TX 77553.	82 FR 60588; December 21, 2017.	March 16, 2018.
21339	0648–XF871	Kerri Smith, University of Texas at El Paso, 500 West University Ave., El Paso, TX 79968.	82 FR 57730; December 7, 2017.	March 15, 2018.
21966	0645–XG026	Mystic Aquarium (Responsible Party: Katie Cubina), 55 Coogan Boulevard, Mystic, CT 06355.	83 FR 8437; February 27, 2018.	March 30, 2018.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance of these permit was based on a finding that such permits: (1) Were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in Section 2 of the ESA.

Authority: The requested permits have been issued under the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered

Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), as applicable.

Dated: April 17, 2018.

Julia Marie Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–08351 Filed 4–20–18; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2018–0017]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is proposing to renew the Office of Management and Budget (OMB) approval for an existing information collection, titled, ''State Official Notification Rule—12 CFR 1082.''

DATES: Written comments are encouraged and must be received on or before May 23, 2018 to be assured of consideration.

ADDRESSES: Comments in response to this notice are to be directed towards OMB and to the attention of the OMB Desk Officer for the Bureau of Consumer Financial Protection. You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: OIRA_submission@omb.eop.gov.*
- *Fax:* (202) 395–5806.
- *Mail:* Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.reginfo.gov* (this link becomes active on the day following publication of this notice). Select ''Information Collection Review,'' under ''Currently under review'' use the dropdown menu ''Select Agency'' and select ''Consumer Financial Protection Bureau'' (recent submissions to OMB will be at the top of the list). The same documentation is also available at *http://www.regulations.gov.* Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552, (202) 435–9575, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: State Official Notification Rule—12 CFR 1082.

OMB Control Number: 3170–0019.

Type of Review: Extension without change of a currently approved collection.

Affected Public: State Governments.

Estimated Number of Respondents: 6.

Estimated Total Annual Burden Hours: 3.

Abstract: Section 1042 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, 12 U.S.C. 5552 (''Act''), gave authority to certain State and US territorial officials to enforce the Act and regulations prescribed thereunder. Section 1042 also requires that the Bureau issue a rule establishing how states are to provide notice to the Bureau before taking action to enforce the Act (or, in emergency situations, immediately after taking such an action). In accordance with the requirements of the Act, the Bureau issued a final rule (12 CFR 1082.1) establishing that notice should be provided at least 10 days before the filing of an action, with certain exceptions, and setting forth a limited set of information which is to be provided with the notice.

This is a routine request for OMB to renew its approval of the collections of information currently approved under this OMB control number. The Bureau is not proposing any new or revised collections of information pursuant to this request.

Request for Comments: The Bureau issued a 60-day **Federal Register** notice on December 27, 2017 82 FR 61269, Docket Number: CFPB–2017–0040. Comments were solicited and continue to be invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be reviewed by OMB as part of its review of this request. All comments will become a matter of public record.

Dated: April 17, 2018.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2018–08422 Filed 4–20–18; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0006]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Campus Safety and Security Survey

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 23, 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–0006. 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 Ashley Higgins, 202–453–6097.

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: Campus Safety and Security Survey.

OMB Control Number: 1840–0833.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 6,520.

Total Estimated Number of Annual Burden Hours: 2,717.

Abstract: The collection of information through the Campus Safety and Security Survey is necessary under section 485 of the Higher Education Act of 1965, as amended, with the goal of increasing transparency surrounding college safety and security information for student, prospective students, parents, employees and the general public. The survey is a collection tool to compile the annual data on campus crime and fire safety. The data collected from the individual institutions by ED is made available to the public through the Campus Safety and Security Data Analysis and Cutting Tool as well as the College Navigator.

Dated: April 17, 2018.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–08353 Filed 4–20–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Extension of the Public Scoping Period for the Supplemental Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center, Notice of Floodplain and Wetlands Involvement, and Draft Scope

AGENCY: New York State Energy Research and Development Authority, Department of Energy.

ACTION: Notice of extension.

SUMMARY: The U.S. Department of Energy (DOE) and the New York State Energy Research and Development Authority (NYSERDA) are extending the public scoping period for the *Supplemental Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center* (DOE/EIS–0226–S1), hereinafter referred to as the Supplemental Environmental Impact Statement (SEIS) for the West Valley Site.

DATES: The public scoping period is extended until Friday, May 25, 2018. DOE and NYSERDA invite public comments on the scope of the SEIS for the West Valley Site. Comments must be submitted by May 25, 2018, to ensure consideration; late comments will be considered to the extent practicable.

ADDRESSES: Written comments on the scope of the SEIS, requests to be placed on the SEIS mailing list, and requests for information may be submitted by U.S. mail to the DOE Document Manager, Mr. Martin Krentz, West Valley Demonstration Project, U.S. Department of Energy, 10282 Rock Springs Road, AC–DOE, West Valley, New York 14171–9799, by email to *SEISWestValleySite@emcbc.doe.gov,* or via the SEIS website at *www.SEISWestValleySite.com.*

Before including your address, phone number, email address, or other personal identifying information in your comment, please be advised that your entire comment—including your personal identifying information—may be made publicly available. If you wish for DOE to withhold your name and/or other personally identifiable information, please state this prominently at the beginning of your comment. You may also submit comments anonymously. Documents and information about the SEIS process are available online at the SEIS website at *www.SEISWestValleySite.com,* and in the public reading room at the Ashford Community and Training Center, 9377 NY–240, West Valley, New York 14171, (716) 942–6016.

FOR FURTHER INFORMATION CONTACT: For information regarding the West Valley Demonstration Project or the SEIS, contact Mr. Martin Krentz at the address given above; telephone: (716) 942–4007; or email: *martin.krentz@emcbc.doe.gov.* For general information on DOE's National Environmental Policy Act (NEPA) process, contact Mr. Brian Costner (GC–54), Acting Director, Office of NEPA Policy and Compliance, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585; telephone: (202) 586–4600; facsimile: (202) 586–7031; or leave a message at 1–800–472–2756, toll-free. Questions for NYSERDA should be directed to Dr. Lee Gordon, New York State Energy Research and Development Authority, 9030–B Route 219, West Valley, New York 14171; telephone: (716) 942–9960, ext. 4963; facsimile: (716) 942–9961; or email: *Lee.Gordon@nyserda.ny.gov.* Those seeking general information on the State Environmental Quality Review Act process should contact Janice Dean, Deputy Counsel, New York State Energy Research and Development Authority, 17 Columbia Circle, Albany, New York 12203–6399; telephone: (518) 862–1090, ext. 3117; facsimile: (518) 862–1091; or email: *Janice.Dean@nyserda.ny.gov.*

SUPPLEMENTARY INFORMATION: The Notice of Intent (NOI) and draft scope for the SEIS for the West Valley Site was published in the **Federal Register** on February 21, 2018 (83 FR 7464). In the NOI, DOE and NYSERDA announced their intent to jointly prepare the SEIS for the West Valley site and invited public comments on the proposed scope of the document during a public scoping period originally scheduled to end April 23, 2018. During the original scoping period DOE and NYSERDA conducted three public scoping meetings in New York. DOE and NYSERDA are extending the public scoping period until Friday, May 25, 2018.

Signed in Washington, DC, this 17th day of April 2018.

James M. Owendoff,

Principal Deputy Assistant Secretary for Environmental Management, Department of Energy.

[FR Doc. 2018–08522 Filed 4–20–18; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Issuance of Statement of Federal Financial Accounting Standards 54, Leases: An Amendment of Statement of Federal Financial Accounting Standards (SFFAS) 5, Accounting for Liabilities of the Federal Government, and SFFAS 6, Accounting for Property, Plant, and Equipment

AGENCY: Federal Accounting Standards Advisory Board (FASAB).

ACTION: Notice.

Pursuant to the Federal Advisory Committee Act, as amended, and the FASAB Rules Of Procedure, as amended in October 2010, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) has issued Statement of Federal Financial Accounting Standards 54, *Leases: An Amendment of Statement of Federal Financial Accounting Standards (SFFAS) 5, Accounting for Liabilities of the Federal Government, and SFFAS 6, Accounting for Property, Plant, And Equipment.*

The Statement is available on the FASAB website at *http://www.fasab.gov/accounting-standards/*. Copies can be obtained by contacting FASAB at (202) 512–7350.

FOR FURTHER INFORMATION CONTACT: Ms. Wendy M. Payne, Executive Director, 441 G Street NW, Suite 1155, Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act, Pub. L. 92–463.

Dated: April 17, 2018.

Wendy M. Payne,

Executive Director.

[FR Doc. 2018–08405 Filed 4–20–18; 8:45 am]

BILLING CODE 1610–02–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0174 and 3060–0580]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before May 23, 2018.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov*; and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*. Include in the comments the Title as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of Commission ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the Commission's submission to OMB will be displayed.

OMB Control Number: 3060–0174.

Title: Sections 73.1212, 76.1615 and 76.1715, Sponsorship Identification.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit entities; Individuals or households.

Number of Respondents and Responses: 22,900 respondents and 1,877,000 responses.

Estimated Time per Response: .0011 to .2011 hours.

Frequency of Response: Recordkeeping requirement; Third party disclosure requirement; On occasion reporting requirement.

Total Annual Burden: 249,043 hours.

Total Annual Cost: $34,623.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in sections 4(i), 317 and 507 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: The FCC is preparing a system of records, FCC/MB–2, ''Broadcast Station Public Inspection Files,'' to cover the personally identifiable information (PII) that may be included in the broadcast station public inspection files. Respondents may request materials or information submitted to the Commission be withheld from public inspection under *47 CFR 0.459* of the Commission's rules.

Privacy Impact Assessment(s): The FCC is preparing a PIA.

Needs and Uses: The information collection requirements that are approved under this collection are as follows:

47 CFR 73.1212 requires a broadcast station to identify at the time of broadcast the sponsor of any matter for which consideration is provided. For advertising commercial products or services, generally the mention of the name of the product or service constitutes sponsorship identification. In the case of television political

advertisements concerning candidates for public office, the sponsor shall be identified with letters equal to or greater than four (4) percent of the vertical height of the television screen that airs for no less than four (4) seconds. In addition, when an entity rather than an individual sponsors the broadcast of matter that is of a political or controversial nature, licensee is required to retain a list of the executive officers, or board of directors, or executive committee, etc., of the organization paying for such matter. Sponsorship announcements are waived with respect to the broadcast of ''want ads'' sponsored by an individual but the licensee shall maintain a list showing the name, address and telephone number of each such advertiser. These lists shall be made available for public inspection.

47 CFR 73.1212(e) states that, when an entity rather than an individual sponsors the broadcast of matter that is of a political or controversial nature, the licensee is required to retain a list of the executive officers, or board of directors, or executive committee, etc., of the organization paying for such matter in its public file. Pursuant to the changes contained in 47 CFR 73.1212(e) and 47 CFR 73.3526(e)(19), this list, which could contain personally identifiable information, would be located in a public inspection file to be located on the Commission's website instead of being maintained in the public file at the station. Burden estimates for this change are included in OMB Control Number 3060–0214.

47 CFR 76.1615 states that, when a cable operator engaged in origination cablecasting presents any matter for which money, service or other valuable consideration is provided to such cable television system operator, the cable television system operator, at the time of the telecast, shall identify the sponsor. Under this rule section, when advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product is sufficient when it is clear that the mention of the name of the product constitutes a sponsorship identification. In the case of television political advertisements concerning candidates for public office, the sponsor shall be identified with letters equal to or greater than four (4) percent of the vertical height of the television screen that airs for no less than four (4) seconds.

47 CFR 76.1715 state that, with respect to sponsorship announcements that are waived when the broadcast/origination cablecast of ''want ads'' sponsored by an individual, the licensee/operator shall maintain a list showing the name, address and telephone number of each such advertiser. These lists shall be made available for public inspection.

OMB Control Number: 3060–0580.

Title: Section 76.1710, Operator Interests in Video Programming.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1,500 respondents; 1,500 responses.

Estimated Time per Response: 15 hours.

Frequency of Response: Recordkeeping requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 Section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 22,500 hours.

Total Annual Cost: None.

Privacy Impact Assessment(s): No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality and respondents are not being asked to submit confidential information to the Commission.

Needs and Uses: The information collection requirements contained in 47 CFR 76.1710 require cable operators to maintain records in their public file for a period of three years regarding the nature and extent of their attributable interests in all video programming services. The records must be made available to members of the public, local franchising authorities and the Commission on reasonable notice and during regular business hours. The records will be reviewed by local franchising authorities and the Commission to monitor compliance with channel occupancy limits in respective local franchise areas.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–08378 Filed 4–20–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0228]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before June 22, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0228.

Title: Section 80.59, Compulsory Ship Inspections and Ship Inspection Certificates, FCC Forms 806, 824, 827 and 829.

Form Numbers: FCC Forms 806, 824, 827 and 829.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 2,438 respondents; 2,438 responses.

Estimated Time per Response: 0.084 hours (5 minutes)–4 hours per response.

Frequency of Response: On occasion, annual and every five year reporting requirements, recordkeeping requirement and third party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 4, 303, 309, 332 and 362 of the Communications Act of 1934, as amended.

Total Annual Burden: 10,333 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

Needs and Uses: The requirements contained in 47 CFR 80.59 of the Commission's rules are necessary to implement the provisions of section 362(b) of the Communications Act of 934, as amended, which require the Commission to inspect the radio installation of large cargo ships and certain passenger ships at least once a year to ensure that the radio installation is in compliance with the requirements of the Communications Act.

Further, section 80.59(d) states that the Commission may, upon a finding that the public interest would be served, grant a waiver of the annual inspection required by section 362(b) of the Communications Act of 1934, for a period of not more than 90 days for the sole purpose of enabling the United States vessel to complete its voyage and proceed to a port in the United States where an inspection can be held. An information application must be submitted by the ship's owner, operator or authorized agent. The application must be submitted to the Commission's District Director or Resident Agent in charge of the FCC office nearest the port of arrival at least three days before the ship's arrival. The application must provide specific information that is in rule section 80.59.

Additionally, the Communications Act requires the inspection of small passenger ships at least once every five years.

The Safety Convention (to which the United States is a signatory) also requires an annual inspection.

The Commission allows FCC-licensed technicians to conduct these inspections. FCC-licensed technicians certify that the ship has passed an inspection and issue a safety certificate. These safety certificates, FCC Forms 806, 824, 827 and 829 indicate that the vessel complies with the Communications Act of 1934, as amended and the Safety Convention. These technicians are required to provide a summary of the results of the inspection in the ship's log that the inspection was satisfactory.

Inspection certificates issued in accordance with the Safety Convention must be posted in a prominent and accessible place on the ship (third party disclosure requirement).

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–08379 Filed 4–20–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[IB Docket No. 16–185; DA 18–263]

Announcement of Re-Chartering for the WRC–19 Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92–463), the Federal Communications Commission announces that the charter for the Advisory Committee for the 2019 World Radio Conference (WRC–19 Advisory Committee) has been renewed by the General Services Administration (GSA) for a two-year period. The WRC–19 Advisory Committee is a federal advisory committee under the Federal Advisory Committee Act.

DATES: Renewed for two years, starting April 6, 2018.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Room TW–C305, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Michael Mullinix, Designated Federal Officer (DFO), WRC–19 Advisory Committee, FCC International Bureau, Global Strategy and Negotiations Division, at (202) 418–0491. Email: *michael.mullinix@fcc.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons that the GSA renewed the charter of the WRC–19 Advisory Committee for two years, commencing April 6, 2018. Its scope of activities is to address issues contained in the agenda for the 2019 World Radio Conference (WRC–19). The WRC–19 Advisory Committee will continue to provide to the FCC advice, data, and technical analyses, and will formulate recommendations relating to the preparation of U.S. proposals and positions for WRC–19.

Federal Communications Commission.

Troy Tanner,

Deputy Chief, International Bureau.

[FR Doc. 2018–08357 Filed 4–20–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1063]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before June 22, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–1063.

Title: Global Mobile Personal Communications by Satellite (GMPCS) Authorization, Marketing and Importation Rules.

Form No.: Not Applicable.

Type of Review: Revision of a currently approved information collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 17 respondents; 17 responses.

Estimated Time per Response: 1–24 hours per response.

Frequency of Response: On occasion reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. The Commission has authority for this information collection pursuant to Sections 4(i), 301, 302(a), 303(e), 303(f), 303(g), 303(n) and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. 4(i), 301, 302(a), 303(e), 303(f), 303(g), 303(n) and 303(r).

Total Annual Burden: 595 hours.

Annual Cost Burden: None.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information.

Needs and Uses: On July 14, 2017, the Federal Communications Commission (''Commission'') released a First Report and Order titled, ''In the Matter of Amendment of Parts 0, 1, 2, 15 and 18 of the Commission's Rules Regarding Authorization of Radiofrequency Equipment,'' ET Docket No. 15–170 (FCC 17–93). In the First Report and Order, the Commission discontinued use of the ''Statement Regarding the Importation of Radio Frequency Devices Capable of Harmful Interference,'' (FCC Form 740) and eliminated 47 CFR 2.1205 and 2.1203(b), thus removing the Form 740 filing requirements. The agency concluded that there was no evidence indicating that the Form 740 filing process provided a substantial deterrent to illegal importation of RF devices, and that the existing filing requirement creates large burdens in light of the growth in the number and type of RF devices being imported, and that there is now a wider availability of product and manufacturer information, including that available to the FCC from the Custom and Border Protection's (CBP) database. The Form 740 was approved under OMB Control No. 3060–0059 and was under the purview of the Commission's Office of Engineering & Technology (OET).

The purposes of the revision of OMB Control No. 3060–1063 are to reflect a slight decrease in the number of satellite operators and/or GMPCS equipment manufacturers and changes resulting from the elimination of Form 740. Specifically, the number of respondents changed from 19 to 17 due to a decrease in the number of satellite operators and/or GMPCS equipment manufacturers. As a result of the elimination of the Form 740, the total annual burden hours changed from 684 to 595 and the total annual costs decreased from $13,110 to zero.

The purpose of this information collection is to maintain OMB approval of a certification requirement for portable GMPCS transceivers to prevent interference, reduce radio-frequency (''RF'') radiation exposure risk, and make regulatory treatment of portable GMPCS transceivers consistent with treatment of similar terrestrial wireless devices, such as cellular phones.

The Commission is requiring that applicants obtain authorization for the equipment by submitting an application and exhibits, including test data. If the Commission did not obtain such information, it would not be able to ascertain whether the equipment meets the FCC's technical standards for operation in the United States. Furthermore, the data is required to ensure that the equipment will not cause catastrophic interference to other telecommunications services that may impact the health and safety of American citizens.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–08377 Filed 4–20–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 10, 2018.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Anna E. Hechler, Quincy, Illinois, individually and as part of a family control group that includes Joseph E. Gully, Barry, Illinois;* to retain shares of FNB Barry Bancorp, Inc., Barry, Illinois, and thereby retain shares of First National Bank of Barry, Barry, Illinois.

Board of Governors of the Federal Reserve System, April 17, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–08349 Filed 4–20–18; 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 8, 2018.

A. Federal Reserve Bank of Boston (Prabal Chakrabarti, Senior Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210–2204. Comments can also be sent electronically to *BOS.SRC.Applications.Comments@bos.frb.org:*

1. *HarborOne Mutual Bancshares and its mid-tier stock holding company, HarborOne Bancorp, Inc., both of Brockton, Massachusetts;* to merge with Coastway Bancorp, Inc., and thereby indirectly acquire Coastway Community Bank, both of Warwick, Rhode Island.

Board of Governors of the Federal Reserve System, April 18, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–08384 Filed 4–20–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–FY–0696; Docket No. CDC–2018–0035]

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 the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled *National HIV Prevention Program Monitoring and Evaluation (NHM&E),* which collects standardized HIV prevention program evaluation data from health departments and community-based organizations (CBOs) who receive federal funds for HIV prevention activities.

DATES: CDC must receive written comments on or before June 22, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0035 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 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 the 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

National HIV Prevention Program Monitoring and Evaluation (NHM&E) (OMB Control Number 0920–0696, Expiration Date 02/28/2019)—Revision—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC seeks to request a three-year Office of Management and Budget (OMB) approval to revise the previously approved project and continue the collection of standardized HIV prevention program evaluation data from health departments and community-based organizations (CBOs) who receive federal funds for HIV prevention activities. Health department grantees have the options to key-enter or upload data to a CDC-provided web-based software application (EvaluationWeb®). CBO grantees may only key-enter data to the CDC-provided web-based software application.

This revision includes changes to the data variables to adjust to the different monitoring and evaluation needs of new funding announcements without a substantial change in burden.

The evaluation and reporting process is necessary to ensure that CDC receives standardized, accurate, thorough evaluation data from both health department and CBO grantees. For these reasons, CDC developed standardized NHM&E variables through extensive consultation with representatives from health departments, CBOs, and national partners (*e.g.,* The National Alliance of State and Territorial AIDS Directors and Urban Coalition of HIV/AIDS Prevention Services).

CDC requires CBOs and health departments who receive federal funds for HIV prevention to report non-identifying, client-level and aggregate level, standardized evaluation data to: (1) Accurately determine the extent to which HIV prevention efforts are carried out, what types of agencies are providing services, what resources are allocated to those services, to whom services are being provided, and how these efforts have contributed to a reduction in HIV transmission; (2) improve ease of reporting to better meet these data needs; and (3) be accountable to stakeholders by informing them of

HIV prevention activities and use of funds in HIV prevention nationwide.

CDC HIV prevention program grantees will collect, enter or upload, and report agency-identifying information, budget data, intervention information, and client demographics and behavioral risk characteristics with an estimate of 207,186 burden hours, an increase from the previously approved, 206,226 burden hours. Data collection will include searching existing data sources, gathering and maintaining data, document compilation, review of data, and data entry or upload into the web based system.

There are no additional costs 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)	Total burden (in hours)
Health Departments	Health Department Reporting	66	2	1,435.5	189,486
Community-based Organization	Community-Based Organization Reporting.	150	2	59	17,700
Total					207,186

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. 2018–08382 Filed 4–20–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–FY–0840; Docket No. CDC–2018–0036]

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 the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''Formative Research and Tool Development''.

DATES: CDC must receive written comments on or before June 22, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0036 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 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 the 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

Formative Research and Tool Development (OMB Control Number 0920–0840, Expiration Date 1/31/2019)—Extension—National Center for HIV/AIDS, Viral Hepatitis, STD, TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention, National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP) requests approval for an approval of a three-year extension to the generic information collection plan titled ''Formative Research and Tool Development.'' CDC designed this information collection project to allow CDC's National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP) to conduct formative research information collection activities used to inform many aspects of surveillance,

communications, health promotion, and research project development for NCHHSTP's four priority disease prevention focus areas: (1) HIV/AIDS; (2) sexually transmitted diseases/infections (STD/STI); (3) viral hepatitis, tuberculosis elimination (TB); and (4) school and adolescent health (DASH).

Formative research is the basis for developing effective strategies including communication channels, for influencing behavior change. It helps researchers identify and understand the characteristics—interests, behaviors and needs of target populations that influence their decisions and actions.

Formative research is integral in developing programs as well as improving existing and ongoing programs. Formative research also looks at the community in which a public health intervention is being or will be implemented and helps the project staff understand the interests, attributes and needs of different populations and persons in that community. Formative research is research that occurs before a program is designed and implemented, or while a program is being conducted.

NCHHSTP formative research is necessary for developing new programs or adapting programs that deal with the complexity of behaviors, social context, cultural identities, and health care that underlie the epidemiology of HIV/AIDS, viral hepatitis, STDs, and TB in the U.S. as well as for school and adolescent health.

CDC conducts formative research to develop public-sensitive communication messages and user friendly tools prior to developing or recommending interventions, or care. Sometimes these studies are entirely behavioral but most often they are cycles of interviews and focus groups designed to inform the development of a product.

Products from these formative research studies will be used for prevention of HIV/AIDS, Sexually Transmitted Infections (STI), viral Hepatitis, and Tuberculosis. Findings from these studies may also be presented as evidence to disease-specific National Advisory Committees, to support revisions to recommended prevention and intervention methods, as well as new recommendations.

Much of CDC's health communication takes place within campaigns that have fairly lengthy planning periods—timeframes that accommodate the standard Federal process for approving data collections. Short term qualitative interviewing and cognitive research techniques have previously proven invaluable in the development of scientifically valid and population-appropriate methods, interventions, and instruments.

This information collection approval request will include CDC studies to investigate the utility and acceptability of proposed sampling and recruitment methods, intervention contents and delivery, questionnaire domains, individual questions, and interactions with project staff or electronic data collection equipment. These activities will also provide information about how respondents answer questions and ways in which question response bias and error can be reduced.

This information collection approval request will also include collection of information from public health programs to assess needs related to initiation of a new program activity or expansion or changes in scope or implementation of existing program activities to adapt them to current needs. CDC will use the information collected to advise programs and provide capacity-building assistance tailored to identified needs.

Overall, these development activities are intended to provide information that will increase the success of the surveillance or research projects through increasing response rates and decreasing response error, thereby decreasing future data collection burden to the public. The studies that CDC will cover under this request will include one or more of the following investigational modalities: (1) Structured and qualitative interviewing for surveillance, research, interventions and material development; (2) cognitive interviewing for development of specific data collection instruments; (3) methodological research; (4) usability testing of technology-based instruments and materials; (5) field testing of new methodologies and materials; (6) investigation of mental models for health decision-making, to inform health communication messages; and (7) organizational needs assessments to support development of capacity.

Respondents who will participate in individual and group interviews (qualitative, cognitive, and computer assisted development activities) are selected purposively from those who respond to recruitment advertisements.

In addition to utilizing advertisements for recruitment, respondents who will participate in research on survey methods may be selected purposively or systematically from within an ongoing surveillance or research project. Participation of respondents is voluntary.

There is no cost to participants other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average hours per response	Total response burden (hours)
General public and health care providers.	Screener	81,200	1	10/60	13,533
General public and health care providers.	Consent Forms	40,600	1	5/60	3,383
General public and health care providers.	Individual Interview	6,600	1	1	6,600
General public and health care providers.	Focus Group Interview	4,000	1	2	8,000
General public and health care providers.	Survey of Individual	30,000	1	30/60	15,000
Total					46,516

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. 2018–08383 Filed 4–20–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (BSC, NCEH/ATSDR)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Board of Scientific Counselors, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (BSC, NCEH/ATSDR). This meeting is open to the public, limited only by available seating. The meeting room accommodates approximately 60 people. The public is also welcome to listen to the meeting by calling 888–989–4501, passcode 9885805, limited by 100 lines. The deadline for notification of attendance is May 14, 2018. The public comment period is scheduled on June 5, 2018 from 2:30 p.m. until 2:45 p.m., EDT and June 6, 2018 from 10:10 a.m. until 10:25 a.m., EDT. Individuals wishing to make a comment during Public Comment period, please email your name, organization, and phone number by May 7, 2018 to Amanda Malasky at *amalasky@cdc.gov.*

DATES: The meeting will be held on June 5, 2018, 8:30 a.m. to 4:00 p.m., EDT and June 6, 2018, 8:30 a.m. to 11:30 a.m., EDT.

ADDRESSES: CDC, 4770 Buford Highway, CDC Building 106, Room 1B, Atlanta, GA 30341.

FOR FURTHER INFORMATION CONTACT: Shirley Little, Program Analyst, NCEH/ATSDR, CDC, 4770 Buford Hwy., Mail Stop F–45, Atlanta, GA 30341, telephone (770) 488–0577; email *snl7@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The Secretary, Department of Health and Human Services (HHS) and by delegation, the Director, CDC and Administrator, NCEH/ATSDR, are authorized under Section 301 (42 U.S.C. 241) and Section 311 (42 U.S.C. 243) of the Public Health Service Act, as amended, to: (1) Conduct, encourage, cooperate with, and assist other appropriate public authorities, scientific institutions, and scientists in the conduct of research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and other impairments; (2) assist states and their political subdivisions in the prevention of infectious diseases and other preventable conditions and in the promotion of health and wellbeing; and (3) train state and local personnel in health work. The BSC, NCEH/ATSDR provides advice and guidance to the Secretary, HHS; the Director, CDC and Administrator, ATSDR; and the Director, NCEH/ATSDR, regarding program goals, objectives, strategies, and priorities in fulfillment of the agency's mission to protect and promote people's health. The board provides advice and guidance that will assist NCEH/ATSDR in ensuring scientific quality, timeliness, utility, and dissemination of results. The board also provides guidance to help NCEH/ATSDR work more efficiently and effectively with its various constituents and to fulfill its mission in protecting America's health.

Matters to be Considered: The agenda will include discussions on Recovery Efforts to Address Environmental Health Impacts after the 2017 Hurricanes, NCEH/ATSDR Program Responses to BSC Guidance and Action Items, PFAS multi-site study, PEASE, Biomonitoring for PFAS in children, Use of Citizen Science for Assessment of Health Risks, Statistical Inferences in Environmental Epidemiology, and NCEH/ASTDR work with tribes/Tribal Programs. Agenda items are subject to change as priorities dictate.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elizabeth Millington,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2018–08367 Filed 4–20–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1242]

Advisory Committee; Arthritis Advisory Committee, Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the Arthritis Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Arthritis Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until April 5, 2020.

DATES: Authority for the Arthritis Advisory Committee will expire on April 5, 2020, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Yinghua Wang, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, email: *AAC@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 41 CFR 102–3.65 and approval by the Department of Health and Human Services pursuant to 45 CFR part 11 and by the General Services Administration, FDA is announcing the renewal of the Arthritis Advisory Committee (the Committee). The Committee is a discretionary Federal advisory committee established to provide advice to the Commissioner.

The Committee advises the Commissioner or designee in discharging responsibilities as they relate to helping to ensure safe and effective drugs for human use and, as required, any other product for which FDA has regulatory responsibility.

The Committee reviews and evaluates data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of arthritis, rheumatism, and related diseases, and makes appropriate recommendations to the Commissioner.

The Committee shall consist of a core of 11 voting members including the Chair. Members and the Chair are selected by the Commissioner or designee from among authorities

knowledgeable in the fields of arthritis, rheumatology, orthopedics, epidemiology or statistics, analgesics, and related specialties. Members will be invited to serve for overlapping terms of up to 4 years. Almost all non-Federal members of this committee serve as Special Government Employees. The core of voting members may include one technically qualified member, selected by the Commissioner or designee, who is identified with consumer interests and is recommended by either a consortium of consumer-oriented organizations or other interested persons. In addition to the voting members, the Committee may include one non-voting member who is identified with industry interests.

Further information regarding the most recent charter and other information can be found at *https://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/Drugs/ArthritisAdvisoryCommittee/ucm094137.htm* or by contacting the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). In light of the fact that no change has been made to the committee name or description of duties, no amendment will be made to 21 CFR 14.100.

This document is issued under the Federal Advisory Committee Act (5 U.S.C. app.). For general information related to FDA advisory committees, please check *https://www.fda.gov/AdvisoryCommittees/default.htm.*

Dated: April 16, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–08358 Filed 4–20–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–1334]

Opioid Dependence: Developing Depot Buprenorphine Products for Treatment; 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 ''Opioid Dependence: Developing Depot Buprenorphine Products for Treatment.'' This draft guidance addresses drug development and trial design issues relevant to the study of depot buprenorphine products (*i.e.,* modified-release products for injection or implantation).

DATES: Submit either electronic or written comments on the draft guidance by June 22, 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–1334 for ''Opioid Dependence: Developing Depot Buprenorphine Products for Treatment; Draft Guidance for Industry; Availability.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. 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: Silvana Borges, Center for Drug

Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 3200, Silver Spring, MD 20993–0002, 301–796–0963.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Opioid Dependence: Developing Depot Buprenorphine Products for Treatment.'' This draft guidance addresses drug development and trial design issues relevant to the study of depot buprenorphine products (*i.e.,* modified-release products for injection or implantation).

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 ''Opioid Dependence: Developing Depot Buprenorphine Products for Treatment.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/Drugs/GuidanceCompliance RegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: April 17, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–08361 Filed 4–20–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Advisory Committee on Children and Disasters and National Preparedness and Response Science Board Joint Public Teleconference

AGENCY: Office of the Secretary, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services is hereby giving notice that the National Advisory Committee on Children and Disasters (NACCD) and National Preparedness and Response Science Board (NPRSB) will hold a joint public teleconference on May 10, 2018.

DATES: The NACCD and NPRSB Teleconference is May 10, 2018, from 3:00 p.m. to 4:00 p.m. Eastern Daylight Time (EDT).

ADDRESSES: We encourage members of the public to attend the teleconference. To register, send an email to *naccd@hhs.gov* with ''NACCD Registration'' in the subject line, or to *nprsb@hhs.gov* with ''NPRSB Registration'' in the subject line. Submit your comments to *naccd@hhs.gov, nprsb@hhs.gov,* the NPRSB Contact Form located at *https://www.phe.gov/Preparedness/legal/boards/nprsb/Pages/RFNBSBComments.aspx,* or the NACCD Contact Form located at *https://www.phe.gov/Preparedness/legal/boards/naccd/Pages/contact.aspx.* For additional information, visit the NACCD website located at *https://www.phe.gov/naccd* or the NPRSB website located at *https://www.phe.gov/nprsb.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), and section 2811A of the Public Health Service Act (42 U.S.C. 300hh–10a), as added by section 103 of the Pandemic and All Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113–5), the HHS Secretary, in consultation with the Secretary of the U.S. Department of Homeland Security, established the NACCD. The purpose of the NACCD is to provide advice and consultation to the HHS Secretary with respect to the medical and public health needs of children in relation to disasters.

The NPRSB is authorized under Section 319M of the Public Health Service (PHS) Act (42 U.S.C. 247d–7f), as added by section 402 of the Pandemic and All-Hazards Preparedness Act of 2006 and amended by section 404 of the Pandemic and All-Hazards Preparedness Reauthorization Act, and by Section 222 of the PHS Act (42 U.S.C. 217a). The Board is governed by the Federal Advisory Committee Act (5 U.S.C. App.), which sets forth standards for the formation and use of advisory committees. The NPRSB provides expert advice and guidance on scientific, technical, and other matters of special interest to the Department regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate.

Background: The May 10, 2018, NACCD and NPRSB Public Teleconference is dedicated to the presentation, deliberation, and vote on re-tasking the Assistant Secretary of Preparedness and Response (ASPR) Future Strategies Work Group (FSWG) as a joint task between the NACCD and NPRSB. Established under the NPRSB in 2014, the FSWG identified future strategies that can best support successful achievement of the ASPR's and HHS's mission for preparedness, response, and recovery. In addition, the ASPR FSWG provides prioritized recommendations for guiding current efforts toward future strategies by examining such items as ASPR's current mission, strategic objectives, resources, and capabilities against projected futures. In 2017, the NACCD established the ASPR Future Strategies for Children Working Group with the aim of identifying future strategies to advance the ASPR's mission as it relates to infants, children, and teens. The joint tasking of the FSWG will enable members of the NPRSB and NACCD to collaborate on areas of shared responsibility with regard to future strategies for preparedness and response. We will post modifications to the agenda on the NACCD and NPRSB May 10, 2018, teleconference websites, which are located at *https://www.phe.gov/naccd* and *https://www.phe.gov/nprsb.*

Availability of Materials: We will post all teleconference materials prior to the teleconference on May 10, 2018, at the websites located at *https://www.phe.gov/naccd* and *https://www.phe.gov/nprsb.*

Procedures for Providing Public Input: Members of the public may attend the teleconference via a toll-free call-in phone number, which is available on the NACCD and the NPRSB websites at *https://www.phe.gov/naccd* and *https://www.phe.gov/nprsb.*

We encourage members of the public to provide written comments that are relevant to the NACCD and NPRSB teleconference prior to May 10, 2018. Send written comments by email to *naccd@hhs.gov* with ''NACCD Public Comment'' in the subject line or to *nprsb@hhs.gov* with ''NPRSB Public Comment'' in the subject line. The NACCD and NPRSB Chairs will respond to comments received by May 9, 2018, during the teleconference.

Dated: April 13, 2018.

Robert P. Kadlec,

Assistant Secretary for Preparedness and Response.

[FR Doc. 2018–08421 Filed 4–20–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, NIAMS.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Arthritis and Musculoskeletal and Skin Diseases, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIAMS.

Date: May 22–23, 2018.

Time: May 22, 2018, 6:00 p.m. to 8:00 p.m.

Agenda: Welcome and program presentations.

Place: National Institutes of Health, Building 31, Room: 4C32, 31 Center Drive, Bethesda, MD 20892.

Time: May 23, 2018, 8:00 a.m. to 5:15 p.m.

Agenda: To review and evaluate program documents.

Place: National Institutes of Health, Building 31, Room: 4C32, 31 Center Drive, Bethesda, MD 20892.

Contact Person: John J. O'Shea, MD, Ph.D., Scientific Director, National Institute of Arthritis & Musculoskeletal and Skin Diseases, Building 10, Room 9N228, MSC 1820, Bethesda, MD 20892, (301) 496–2612, *osheaj@arb.niams.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: April 16, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–08363 Filed 4–20–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; SEP II for NIH Pathway to Independence Award (K99/R00).

Date: April 26, 2018.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Susan O. McGuire, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Blvd., Room 4245, Rockville, MD 20852, (301) 827–5817, *mcguireso@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; BRAIN Initiative: Tools to Target, Identify and Characterize Non-Neuronal Cells in the Brain (R01).

Date: May 11, 2018.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Julia Berzhanskaya, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research. National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4234, MSC 9550, Bethesda, MD 20892, 301–827–5840, *julia.berzhanskaya@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Development of Medications to Prevent and Treat Opioid Use Disorders and Overdose (UG3/UH3 (Clinical Trials Optional).

Date: May 16, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Ivan K. Navarro, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4242, MSC 9550, Bethesda, MD 20892, 301–827–5833, *ivan.navarro@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: April 17, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–08364 Filed 4–20–18; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–CA–17–035—Pre-Cancer Atlas Research Centers.

Date: May 17–18, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Lambratu Rahman Sesay, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, 301–451–3493, *rahmanl@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Tobacco Regulatory Science A.

Date: May 21, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Wenchi Liang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, 301–435–0681, *liangw3@csr.nih.gov*.

(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 16, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–08362 Filed 4–20–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

Modification of the National Customs Automation Program Test Regarding Submission of Import Data and Documents Required by U.S. Fish and Wildlife Service Through the Automated Commercial Environment

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document announces that U.S. Customs and Border Protection (CBP), in consultation with the U.S. Fish and Wildlife Service (FWS), is modifying and reopening the National Customs Automation Program (NCAP) test pertaining to the submission of certain import data and documents for commodities regulated by FWS (''FWS test'') through the Automated Commercial Environment (ACE). The modifications in this notice apply to the participation and discontinuation of participation in the test, submission options for test participants, and restrictions to the initial participation in the test. Except to the extent expressly announced or modified by this document, all aspects, rules, terms and conditions announced in a previous notice regarding the FWS test remain in effect.

DATES: As of May 23, 2018, the modifications to the FWS test will become operational. This test will continue until concluded by way of announcement in the **Federal Register**.

ADDRESSES: Comments concerning this notice and any aspect of this test may be submitted at any time during the test via email to Christopher Mabelitini, Trade Transformation Office, Office of Trade, U.S. Customs and Border Protection at (571) 468–5095 or *Christopher.Mabelitini@cbp.dhs.gov,* with a subject line identifier reading ''Comment on FWS Test FRN.''

FOR FURTHER INFORMATION CONTACT: For Partner Government Agency (PGA)-related questions, contact Bill Scopa, Trade Policy and Programs, Office of Trade, U.S. Customs and Border Protection at (202) 863–6554 or *William.R.Scopa@cbp.dhs.gov.* For technical questions related to ACE or Automated Broker Interface (ABI) transmissions, contact your assigned client representative. Interested parties without an assigned client representative should direct their questions to Steven Zaccaro, Trade Transformation Office, Office of Trade, U.S. Customs and Border Protection at (571) 358–7809 or *Steven.J.Zaccaro@cbp.dhs.gov* with the subject heading ''FWS Test.'' For FWS-related questions, contact Tamesha Woulard, Office of Law Enforcement, U.S. Fish and Wildlife Service at (703) 358–1949 or *Tamesha_Woulard@fws.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

National Customs Automation Program Test

The National Customs Automation Program (NCAP) was established by Subtitle B of Title VI—Customs Modernization in the North American Free Trade Agreement (NAFTA) Implementation Act (Customs Modernization Act) (Pub. L. 103–182, 107 Stat. 2057, 2170, December 8, 1993) (19 U.S.C. 1411). Through NCAP, the thrust of customs modernization was on trade compliance and the development of the Automated Commercial Environment (ACE), the planned successor to the Automated Commercial System (ACS) as the electronic data interchange (EDI) system authorized by U.S. Customs and Border Protection (CBP). ACE is an automated and electronic system for commercial trade processing which is intended to streamline business processes, facilitate growth in trade, ensure cargo security, and foster participation in global commerce, while ensuring compliance with U.S. laws and regulations and reducing costs for CBP and all of its communities of interest. The ability to meet these objectives depends on successfully modernizing CBP's business functions and the information technology that supports those functions.

CBP's modernization efforts are accomplished through phased releases of ACE component functionality designed to replace specific legacy ACS functions and add new functionality. Section 101.9(b) of title 19 of the Code of Federal Regulations (19 CFR 101.9(b)) provides for the testing of NCAP components. *See* T.D. 95–21, 60 FR 14211 (March 16, 1995).

The U.S. Fish and Wildlife Service (FWS) Partner Government Message Set (PGA) and Digital Image System (DIS) Test

On May 5, 2016, CBP published a notice in the **Federal Register** (81 FR 27149) announcing an NCAP test concerning the electronic submission of certain import data and documents for commodities regulated by FWS (''FWS test''). The test notice provided that test participants would electronically submit data contained in FWS's ''Declaration for Importation or Exportation of Fish and Wildlife'' (''Declaration'' or ''FWS Form 3–177'') to ACE using the Partner Government Agency (PGA) Message Set, and any required original permits or certificates, and copies of any other documents required under the FWS regulations (*see* 50 CFR part 14) to ACE via the Document Image System (DIS). Under the test, ACE replaced FWS's internet-based filing system (''eDecs'') used for the electronic submission of the Declaration and accompanying documents. After receipt in ACE, the data and electronic documents would be sent to FWS for processing. The test notice further stated that original ''Convention on International Trade in Endangered Species of Wild Fauna and Flora'' (''CITES'') permits and certificates, and foreign-law paper documents would continue to be submitted directly to the FWS office at the applicable port. There was a lack of participation, and on January 12, 2017, the FWS PGA Message Set test was suspended due to concerns raised by the industry regarding the design of the message set. *See* CSMS Message Set 17–000015.

II. Test Modifications

This document announces the reopening of the FWS test with

modifications. Each modification is discussed separately below. Except to the extent expressly announced or modified by this document, all aspects, rules, terms, requirements, obligations and conditions announced in the previous notice regarding the FWS test remain in effect.

A. Application for Participation in Test

The original test notice announced that a party seeking to participate in the test program had to send an email to its CBP client representative, Trade Transformation Office, Office of Trade (formerly known as ACE Business Office, Office of International Trade). This notice announces that applications to participate in the test program should be submitted by email to FWS at *lawenforcement@fws.gov,* with the subject heading ''Request to Participate in the FWS Test.'' A copy of the application should be sent to the applicant's CBP client representative, Trade Transformation Office, Office of Trade. Applications must include the applicant's filer code, the commodities the applicant intends to import, and the intended ports of arrival. Any applicant to the original test notice who wishes to participate in the reopening of the test should apply again pursuant to this notice.

B. Discontinuation of Participation in Test

The original notice was silent as to the discontinuation of participation in the test program. This notice announces that requests to discontinue participation in the test program should be submitted by email to FWS at *lawenforcement@fws.gov,* with the subject heading ''Request to Discontinue Participation in the FWS Test.'' This process ensures that any future entries submitted by an importer who wishes to discontinue participation will not be rejected by the business rules operating in the test due to missing Declaration data and accompanying documents. A copy of the request to discontinue should be sent to the participant's CBP client representative, Trade Transformation Office, Office of Trade. The request should include the date the participant wishes to end the participation.

C. Submission of Data and Documents in ACE

Under the original test program, test participants were required to submit the Declaration data electronically to ACE when filing an entry, using the PGA Message Set, and the participants had to refrain from filing the Declaration data and accompanying documents in eDecs. This notice announces that CBP established a design that provides participants with different filing options when submitting data, disclaimers or documents in ACE. Participants do not need to notify CBP or FWS about which option they plan on using. Participants may use different filing options for different entries.

(1) *Option 1:* Test participants will file FWS Form 3–177 data in ACE using the PGA Message Set and upload required FWS documents in DIS. This filing option replaces eDecs for those participants filing entries under the auspices of this test program. ACE will send the data and electronic documents to FWS for processing.

(2) *Option 2:* Test participants will file FWS Form 3–177 and required documents directly with FWS. Under this option, test participants will either file the applicable eDecs confirmation number in the PGA Message Set (if FWS clearance was already received via eDecs) or use Disclaimer code ''D'' (''data filed through paper'') to file in the PGA Message Set (if FWS clearance was already received via paper). DIS will not be used under this option unless further information is requested by CBP or FWS to substantiate a disclaimer on a case-by-case basis.

(3) *Option 3:* Test participants will file in the PGA Message Set using Disclaimer code ''C'' (''data filed through other agency means'') to indicate that they will follow up with FWS and file in eDecs at a later time. DIS will not be used under this option unless further information is requested by CBP or FWS to substantiate a disclaimer on a case-by-case basis.

(4) *Option 4:* When a Harmonized Tariff code is flagged as ''FW1'', participants will file in the PGA Message Set using Disclaimer code ''E'' (''product does not contain fish or wildlife, including live, dead, parts or products thereof, except as specifically exempted from declaration requirements under 50 CFR part 14'') to disclaim the need to file FWS Form 3–177 and required documents because the commodity does not contain fish or wildlife. However, if a commodity contains both FWS regulated and non-FWS regulated animal components, Disclaimer code ''E'' should be used in conjunction with one of the above options.

D. Restrictions to Initial Participation in Test

This test notice announces two restrictions to the initial participation in this reopened test program. Initially, participation will be restricted to certain FWS ports. FWS will notify participants of the ports they may use to enter commodities under the test procedures. In addition, initial participation in the test program will exclude entries of live and perishable commodities. Once FWS determines that a participant has fully tested its software for filing entries in ACE, FWS will notify the participant of its eligibility to file for entries of live and perishable commodities.

III. Waiver of Regulation Under the Test

For purposes of this test, those provisions of 19 CFR parts 10 and 12 that are inconsistent with the terms of this test are waived for the test participants only. *See* 19 CFR 101.9(b). This document does not waive any recordkeeping requirements found in 19 CFR part 163 and the Appendix to part 163 (commonly known as the ''(a)(1)(A) list''). This test also does not waive any FWS requirements under 50 CFR part 14.

IV. Test Participation and Selection Criteria

To be eligible to apply for this test, the applicant must:

(1) Be a self-filing importer who has the ability to file ACE entry/cargo release and ACE Entry Summaries certified for cargo release or a broker who has the ability to file ACE entry/cargo release and ACE Entry Summaries certified for cargo release;

(2) File Declarations and disclaimers for FWS-regulated commodities; and

(3) Have an FWS eDecs filer account that contains the CBP filer code when filing under Option 1.

Test participants must meet all the eligibility criteria described in this document in order to participate in the test program.

V. Application Process

As of April 23, 2018, FWS will accept applications throughout the duration of the test. FWS will notify the selected applicants by an email message of their selection and the starting date of their participation. Selected participants may have different starting dates. Anyone providing incomplete information, or otherwise not meeting participation requirements, will be notified by an email message and given the opportunity to resubmit the application. There is no limit on the number of participants.

VI. Test Duration

The modifications announced in this test will become operational on May 23, 2018. At the conclusion of the test pilot, an evaluation will be conducted to assess the effect that the PGA Message

Set has on expediting the submission of FWS importation-related data elements and the processing of FWS-related entries. The final results of the evaluation will be published in the **Federal Register** as required by § 101.9(b)(2) of the CBP regulations (19 CFR 101.9(b)(2)). Any modifications to this test will be announced via a separate **Federal Register** notice.

VII. Paperwork Reduction Act

The collection of information contained in this FWS PGA Message Set test has been approved by the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507) and assigned OMB control number 1018–0012. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Dated: April 17, 2018.

Brenda B. Smith,

Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2018–08381 Filed 4–20–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7001–N–12]

30-Day Notice of Proposed Information Collection: Land Survey Report for Insured Multifamily Projects (Form HUD–92457)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* May 23, 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: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: *OIRA Submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Inez C. Downs, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email *Inez.C.Downs@hud.gov,* or telephone 202–402–8046. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Downs.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on January 16, 2018 at 83 FR 2173.

A. Overview of Information Collection

Title of Information Collection: Land Survey Report for Insured Multifamily Projects (Form HUD–92457).

OMB Approved Number: 2502–0010.

Type of Request: Extension of currently approved collection.

Form Number: HUD–92457.

Description of the need for the information and proposed use: The information collected on Form HUD–92457 ''HUD Survey Instructions and Report for Insured Multifamily Projects'', is necessary to secure a marketable title and title insurance for the property that provides security for project mortgage insurance furnished under FHA. The information is required to adequately describe the property to ensure compliance with various regulatory provisions, *i.e.,* flood hazard requirements and the integrity of property lines and possible encroachments of property lines.

Respondents (i.e., affected public): Profit motivated, non-profit.

Estimated Number of Respondents: 200.

Estimated Number of Responses: 400.

Frequency of Response: 2.

Average Hours per Response: 0.50.

Total Estimated Burdens: 200.

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.

Dated: April 6, 2018.

Inez C. Downs,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2018–08416 Filed 4–20–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7001–N–13]

30-Day Notice of Proposed Information Collection: Budget-Based Rent Increases

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* May 23, 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: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: *OIRA Submission@omb.eop.gov*

FOR FURTHER INFORMATION CONTACT: Inez C. Downs, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email *Inez.C.Downs@hud.gov,* or telephone 202–402–8046. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Downs.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on January 16, 2018 83 FR 2169.

A. Overview of Information Collection

Title of Information Collection: Budget Based Rent Increases.

OMB Approved Number: 2502–0324.

Type of Request: Extension.

Form Number: HUD–92457–a.

Description of the need for the information and proposed use: Budget worksheet will be used by HUD Field staff, along with other information submitted by owners, as a tool for determining the reasonableness of rent increases. The purposes of the worksheet and the collection of budgetary information is to allow owners to plan for expected increases in expenditures.

Respondents (i.e., affected public): Owners and project managers of HUD subsidized Properties.

Estimated Number of Respondents: 974.

Estimated Number of Responses: 974.

Frequency of Response: Annually.

Average Hours per Response: 5 hours 20 minutes.

Total Estimated Burdens: 5,191.

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.

Dated: April 6, 2018.

Inez C. Downs,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2018–08414 Filed 4–20–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2018–N047; FXES11130100000–189–FF01E00000]

U.S. Endangered Species; Receipt of 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 (Service), invite the public to comment on applications for permits to conduct activities intended to enhance the propagation or survival of endangered species. With some exceptions, the Endangered Species Act of 1973, as amended (ESA), prohibits certain activities affecting endangered and threatened species unless that activity is covered under a Federal permit authorizing take of the species or authorizing otherwise prohibited activities. The ESA also requires that we invite public comment before issuing these permits.

DATES: We must receive your written comments by May 23, 2018.

ADDRESSES: *Document availability:* Documents and other information submitted with the applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552), by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice (see **DATES**): Program Manager, Restoration and Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE 11th Avenue, Portland, OR 97232–4181.

Submitting Comments: You may submit comments by one of the following methods. Please specify applicant name(s) and application number(s) to which your comments pertain (*e.g.,* TE–XXXXXX).

- *Email: permitsR1ES@fws.gov.* Please refer to the respective permit number (*e.g.,* Application No. TE–XXXXXX) in the subject line of your email message.
- *U.S. Mail:* Program Manager, Restoration and Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE 11th Avenue, Portland, OR 97232–4181.

FOR FURTHER INFORMATION CONTACT: Colleen Henson, Recovery Permit Coordinator, Ecological Services, (503) 231–6131 (phone); *permitsR1ES@fws.gov* (email).

Background

The Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*) prohibits certain activities affecting endangered and threatened species unless a Federal permit covers that activity. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A permit issued by the Service under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with U.S. endangered or threatened species for scientific purposes that promote recovery, enhancement of propagation or survival, or interstate commerce (the latter only in the event that it facilitates scientific purposes or enhancment of propagation of survival). Our regulations implementing section 10(a)(1)(A) of the ESA 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.

Permit Applications Available for Review and Comment

We invite local, State, and Federal agencies, Tribes, and the public to comment on the following applications:

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—might be made publicly available at any time. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review; however, we cannot guarantee that we will be able to do so.

Contents of Public Comments

Please make your comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations.

Next Steps

If the Service decides to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register.**

Authority

Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Rolland G. White,

Assistant Regional Director, Ecological Services, Pacific Region, U.S. Fish and Wildlife Service.

Application No.	Applicant	Endangered species	Location	Activity	Type of take	Permit action
TE–799558	Idaho Power Company, Boise, ID.	Banbury Springs limpet (*Lanx* sp.), Snake River physa snail (*Physa natricina*).	ID, OR	Population surveys, DNA analysis, and ecological research.	Survey, capture, collect, identify, transport, and release.	Amend, renew.
TE–38768B	Micronesian Environmental Services, Saipan, MP.	Mariana common moorhen (*Gallinula chloropus guami*), Micronesian megapode (*Megapodius laperouse*), Nightingale reed-warbler (*Acrocephalus luscinia*).	GU, MP	Conduct surveys	Harass	Renew.
TE–19045C	Hawaii Division of Forestry and Wildlife, Honolulu, HI.	Add the following species: Anthricinan yellow-faced bee (*Hylaeus anthracinus*), Orangeblack Hawaiian damselfly (*Megalagrion xanthomelas*).	HI	Captive propagation, genetic analyses, and release.	Capture, handle, captive propagate, release, and genetic analyses.	Amend.
TE–69397C	Seattle Aquarium, Seattle, WA.	Hawksbill sea turtle (*Eretmochelys imbricata*), Leatherback sea turtle (*Dermochelys coriacea*), Loggerhead sea turtle (*Caretta caretta*).	OR, WA	Rehabilitation and transfer of stranded sea turtles.	Handle, measure, weigh, biosample, mark, transfer, and release.	New.
TE–78405C	Guam Plant Extinction and Prevention Program, University of Guam, Mangilao, GU.	*Eugenia bryanii* (no common name (NCN)), *Hedyotis megalantha* (Paudedo), *Heritiera longipetiolata* (NCN), *Phyllanthus saffordii* (NCN), *Psychotria malaspinae* (Aplokating-palaoan), *Serianthes nelsonii* (Hayun lagu (=(Guam), Tronkon guafi (Rota)), *Solanum guamense* (NCN), *Tinospora homosepala* (NCN).	GU	Population surveys, captive propagation, outplanting, and recovery actions.	Remove/reduce to possession from lands under Federal jurisdiction.	New.
TE–78730C	Robert Wescom, Santa Rita, GU.	*Heritiera longipetiolata* (NCN).	GU	Population surveys, captive propagation, outplanting, and recovery actions.	Remove/reduce to possession from lands under Federal jurisdiction.	New.

[FR Doc. 2018–08347 Filed 4–20–18; 8:45 am]

BILLING CODE 4333–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1360–1361 (Final)]

Tool Chests and Cabinets From China and Vietnam; Supplemental Schedule for the Subject Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: April 13, 2018.

FOR FURTHER INFORMATION CONTACT: Abu B. Kanu (202–205–2597), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: Effective September 15, 2017, the Commission established a general schedule for the conduct of the final phase of its investigations on tool chests and cabinets,[1] following preliminary determinations by the U.S. Department of Commerce (''Commerce'') that imports of the subject tool chests and cabinets were subsidized by the governments of China and Vietnam. To date, Commerce has issued final affirmative determinations with respect to the subject tool chests from China [2] and Vietnam.[3] The Commission, therefore, is issuing a supplemental schedule for its investigations on imports of tool chests and cabinets from China and Vietnam.

The Commission's supplemental schedule is as follows: The deadline for filing supplemental party comments on Commerce's final determinations is April 23, 2018. The staff report in the final phase of these investigations will be placed in the nonpublic record and a public version will be issued thereafter. Supplemental party comments may address only Commerce's final determinations regarding imports of certain tool chests and cabinets from China and Vietnam. These supplemental final comments may not contain new factual information and may not exceed five (5) pages in length.

For further information concerning these investigations see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: April 18, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–08397 Filed 4–20–18; 8:45 am]

BILLING CODE 7020–02–P

[1] *Tool Chests and Cabinets from China and Vietnam; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations,* 82 FR 44657, September 25, 2017.

[2] *Certain Tool Chests and Cabinets China: Final Affirmative Determination of Sales at Less Than Fair Value,* 83 FR 15365, April 10, 2018.

[3] *Certain Tool Chests and Cabinets Vietnam: Final Affirmative Determination of Sales at Less Than Fair Value,* 83 FR 15361, April 10, 2018.

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1362–1367 (Final)]

Cold-Drawn Mechanical Tubing From China, Germany, India, Italy, Korea, and Switzerland; Supplemental Schedule for the Subject Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: April 16, 2018.

FOR FURTHER INFORMATION CONTACT: Keysha Martinez (202–205–2136), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: Effective September 25, 2017, the Commission established a general schedule for the conduct of the final phase of its investigations on cold-drawn mechanical tubing from China, Germany, India, Italy, Korea, and Switzerland,[1] following preliminary determinations by the U.S. Department of Commerce (''Commerce'') that imports of cold-drawn mechanical tubing were subsidized by the governments of China and India. To date, Commerce has issued final affirmative countervailing duty determinations with respect to cold-drawn mechanical tubing from China and India [2] and most recently final affirmative antidumping duty determinations with respect to China, Germany, India, Italy, Korea, and Switzerland.[3] The Commission, therefore, is issuing a supplemental schedule for its antidumping duty investigations on imports of cold-drawn mechanical tubing from China, Germany, India, Italy, Korea, and Switzerland.

The Commission's supplemental schedule is as follows: The deadline for filing supplemental party comments on

[1] *Cold-Drawn Mechanical Tubing From China, Germany, India, Italy, Korea, and Switzerland; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations,* 82 FR 46522, October 5, 2017.

[2] *Countervailing Duty Investigation of Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From the People's Republic of China: Final Affirmative Determination, and Final Affirmative Determination of Critical Circumstances, in Part,* 82 FR 58175, December 11, 2017; and *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From India: Final Affirmative Countervailing Duty Determination,* 82 FR 58172, December 11, 2017.

[3] *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From the People's Republic of China: Affirmative Final Determination of Sales at Less-Than-Fair Value and Final Determination of Critical Circumstances, in Part,* 83 FR 16322, April 16, 2018; *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From the Federal Republic of Germany: Final Affirmative Determination of Sales at Less Than Fair Value,* 83 FR 16326, April 16, 2018; *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From India: Final Affirmative Determination of Sales at Less than Fair Value,* 83 FR 16296, April 16, 2018; *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From Italy: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part,* 83 FR 16289, April 16, 2018; *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From the Republic of Korea: Final Affirmative Determination of Sales at Less Than Fair Value, Final Affirmative Determination of Critical Circumstances,* 83 FR 16319, April 16, 2018; and *Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From Switzerland: Final Determination of Sales at Less Than Fair Value,* 83 FR 16293, April 16, 2018.

Commerce's final determinations is April 27, 2018; the staff report in the final phase of these investigations will be placed in the nonpublic record on May 10, 2018; and a public version will be issued thereafter.

Supplemental party comments may address only Commerce's final antidumping duty determinations regarding cold-drawn mechanical tubing from China, Germany, India, Italy, Korea, and Switzerland. These supplemental final comments may not contain new factual information and may not exceed five (5) pages in length.

For further information concerning these investigations see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: April 17, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–08396 Filed 4–20–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–606 and 731–TA–1416 (Preliminary)]

Quartz Surface Products From China; Institution of Anti-Dumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–606 and 731–TA–1416 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of quartz surface products from China, provided for in subheading 6810.99.00 (statistical reporting number 6810.99.0010) of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of China. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by June 1, 2018. The Commission's views must be transmitted to Commerce within five business days thereafter, or by June 8, 2018.

DATED: April 17, 2018.

FOR FURTHER INFORMATION CONTACT: Amanda Lawrence (202) 205–3185, Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on April 17, 2018, by Cambria Company LLC, Eden Prairie, Minnesota.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Tuesday, May 8, 2018, at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Requests to appear at the conference should be emailed to *preliminaryconferences@usitc.gov* (DO NOT FILE ON EDIS) on or before May 4, 2018. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before May 11, 2018, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's website at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document

filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: April 18, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–08412 Filed 4–20–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1109]

Certain Clidinium Bromide and Products Containing Same; Institution of Investigation

AGENCY: U.S. International Trade Commission

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 20, 2018, under section 337 of the Tariff Act of 1930, as amended, on behalf of Valeant Pharmaceuticals North America LLC of Bridgewater, New Jersey and Valeant Pharmaceuticals International, Inc. of Canada. An amended complaint was filed on March 20, 2018. The complaint, as amended, alleges violations of section 337 based upon the importation into the United States or the sale after importation of certain clidinium bromide and products containing same by reason of unfair acts or methods of competition, the threat or effect of which is to destroy or substantially injure an industry in the United States.

The complainants request that the Commission institute an investigation and, after the investigation, issue a general exclusion order, in the alternative a limited exclusion order, and cease and desist orders.

ADDRESSES: The amended complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained 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 at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 17, 2018, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(A) of section 337 in the importation into the United States or the sale after importation of certain clidinium bromide and products containing same by reason of false advertising and unfair competition under the Lanham Act, 15 U.S.C. 1125(a), the threat or effect of which is to destroy or substantially injure an industry in the United States;

(2) Notwithstanding any Commission Rules that would otherwise apply, the presiding Administrative Law Judge shall hold an early evidentiary hearing, find facts, and issue an early decision, as to whether the complainants have demonstrated an injury or threat of injury to an industry in the United States. Any such decision shall be in the form of an initial determination (ID). Petitions for review of such an ID shall be due five calendar days after service of the ID; any replies shall be due three business days after service of a petition. The ID will become the Commission's final determination 30 days after the date of service of the ID unless the Commission determines to review the ID. Any such review will be conducted in accordance with Commission Rules 210.43, 210.44, and 210.45, 19 CFR 210.43, 210.44, and 210.45. The Commission expects the issuance of an early ID relating to the requirement of an injury to an industry in the United States within 100 days of institution, except that the presiding ALJ may grant an extension of the ID of up to 50 days for good cause shown. The issuance of an early ID finding that complainants failed to demonstrate an injury or threat of injury to an industry in the United States shall stay the investigation unless the Commission orders otherwise; any other decision shall not stay the investigation or delay the issuance of a final ID covering the other issues of the investigation;

(3) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Valeant Pharmaceuticals North America LLC, 400 Somerset Corporate Boulevard, Bridgewater, NJ 08807

Valeant Pharmaceuticals International, Inc., 2150 St Elzéar Boulevard West, Laval, Quebec, Canada H7L4A8

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the amended complaint is to be served:

Bi-Coastal Pharma International LLC, 1161 Broad Street, Suite 216, Shrewsbury, NJ 07702

Bi-Coastal Pharmaceutical Corporation, 1161 Broad Street, Suite 216, Shrewsbury, NJ 07702

ECI Pharmaceuticals LLC, 5311 NW 35th Terrace, Fort Lauderdale, FL 33309

Virtus Pharmaceuticals LLC, 2649 Causeway Center Drive, Tampa, FL 33619

Virtus Pharmaceuticals OPCO II LLC, 1321 Murfreesboro Pike, Nashville, TN 37217–2626

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the amended complaint and the notice of investigation. Extensions of time for submitting responses to the amended complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: April 18, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–08395 Filed 4–20–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1098]

Certain Subsea Telecommunications Systems and Components Thereof; Commission Determination Not To Review an Initial Determination Granting a Motion for Leave To Amend the Complaint and Notice of Investigation To Correct the Name of a Respondent and Withdrawal of the Complaint as to Other Respondents

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 9) of the presiding administrative law judge (''ALJ''), granting complainant's unopposed motion for leave to amend the complaint and notice of investigation to correct the name of respondent Alcatel-Lucent Submarine Networks SAS to Alcatel Submarine Networks and withdrawal of the complaint as to respondents Nokia Solutions and Networks B.V., Nokia Solutions and Networks Oy, and Nokia Solutions and Networks US LLC.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 26, 2018, based on a complaint, as supplemented, filed on behalf of Neptune Subsea Acquisitions Ltd. of the United Kingdom; Neptune Subsea IP Ltd. of the United Kingdom; and Xtera, Inc. of Allen, Texas (''complainants''). 83 FR 3370 (Jan. 26, 2018). The complaint, as supplemented, alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain subsea telecommunication systems and components thereof by reason of infringement of one or more of U.S. Patent No. 8,380,068; U.S. Patent No. 7,860,403; U.S. Patent No. 8,971,171; U.S. Patent No. 8,351,798; and U.S. Patent No. 8,406,637. The complaint further alleges that an industry in the United States exists as required by section 337. The Notice of Investigation named numerous respondents, including: Nokia Corporation of Espoo, Finland; Nokia Solutions and Networks B.V. of Hoofddorp, The Netherlands; Nokia Solutions and Networks Oy of Espoo, Finland; Nokia Solutions and Networks US LLC of Phoenix, Arizona; and Alcatel-Lucent Submarine Networks SAS of Boulogne-Billancourt, France. The Office of Unfair Import Investigations was named as a party in this investigation.

On March 8, 2018, complainants filed an unopposed motion to (1) amend the complaint and notice of investigation to correct the name of Alcatel-Lucent Submarine Networks SAS to Alcatel Submarine Networks and (2) withdraw the complaint as to Nokia Solutions and Networks B.V., Nokia Solutions and Networks Oy, and Nokia Solutions and Networks US LLC. Complainants note that complainants, Nokia Corporation, Nokia Solutions and Networks B.V., Nokia Solutions and Networks Oy, Nokia Solutions and Networks US LLC, and Alcatel-Lucent Submarine Networks SAS entered into a joint stipulation concerning the subject matter of the investigation where Nokia Corporation, Nokia Solutions and Networks B.V., Nokia Solutions and Networks Oy, Nokia Solutions and Networks US LLC, and Alcatel-Lucent Submarine Networks SAS represented that Nokia Solutions and Networks B.V., Nokia Solutions and Networks Oy, and Nokia Solutions and Networks US LLC do not sell, design, or manufacture the accused subsea telecommunication systems and components thereof; and

that Nokia Solutions and Networks US LLC no longer exists as of January 1, 2018. Based on this stipulation, complainants agreed to withdraw the complaint as to Nokia Solutions and Networks B.V., Nokia Solutions and Networks Oy, and Nokia Solutions and Networks US LLC.

On March 19, 2018, the ALJ issued the subject ID granting complainants' motion. The ALJ found that good cause exists to amend the complaint and there is no evidence of any prejudice to the parties in the investigation. The ALJ found that no extraordinary circumstances prevent the partial termination of the investigation as to Nokia Solutions and Networks B.V., Nokia Solutions and Networks Oy, and Nokia Solutions and Networks US LLC. None of the parties petitioned for review of the subject ID.

The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: April 17, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–08369 Filed 4–20–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Cayman Chemical Company

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before June 22, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on March 8, 2018, Cayman Chemical Company, 1180 East Ellsworth Road, Ann Arbor, Michigan 48108 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
3-Fluoro-N-methylcathinone (3–FMC)	1233	I
Cathinone	1235	I
Methcathinone	1237	I
4-Fluoro-N-methylcathinone (4–FMC)	1238	I
Pentedrone (α-methylaminovalerophenone)	1246	I
Mephedrone (4-Methyl-N-methylcathinone)	1248	I
4-Methyl-N-ethylcathinone (4–MEC)	1249	I
Naphyrone	1258	I
N-Ethylamphetamine	1475	I
N,N-Dimethylamphetamine	1480	I
Fenethylline	1503	I
Aminorex	1585	I
4-Methylaminorex (cis isomer)	1590	I
Gamma Hydroxybutyric Acid	2010	I
Methaqualone	2565	I
Mecloqualone	2572	I
JWH–250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole)	6250	I
SR–18 (Also known as RCS–8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole)	7008	I
ADB–FUBINACA (n-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7010	I
5-Flouro-UR–144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone	7011	I
AB–FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7012	I
JWH–019 (1-Hexyl-3-(1-naphthoyl)indole)	7019	I
MDMB–FUBINACA (Methyl 2-(1-4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7020	I
2-(1-(4-fluorobenzyl)-1Hindazole-3-carboxamido)-3- methylbutanoate	7021	I
AB–PINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7023	I
THJ–2201 [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone	7024	I
AB–CHMINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide	7031	I
MAB–CHMINACA (N-(1-amino-3,3dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7032	I
5F–AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazola-3-carboxamido)-3-methylbutanoate)	7033	I
5F–ADB; 5F–MDMB–PINACA (Methyl 2-(1-(5fluoropentyl)-1H-indazole-3-carboxamido)-3,3dimethylbutanoate)	7034	I
ADB–PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide)	7035	I
MDMB–CHMICA, MMB–CHMINACA (Methyl 2-(1-(cyclohenxylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanote)-	7042	I
APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide	7048	I

Controlled substance	Drug code	Schedule
5F–APINACA, 5F–AKB48 (N-(adamantan-1-yl)-1-(5fluoropentyl)-1H-indazole-3-carboxamide)	7049	I
JWH–081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole)	7081	I
SR–19 (Also known as RCS–4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole	7104	I
JWH–018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole)	7118	I
JWH–122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole)	7122	I
UR–144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	7144	I
JWH–073 (1-Butyl-3-(1-naphthoyl)indole)	7173	I
JWH–200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	7200	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole)	7201	I
JWH–203 (1-Pentyl-3-(2-chlorophenylacetyl) indole)	7203	I
PB–22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate)	7222	I
5F–PB–22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate)	7225	I
Alpha-ethyltryptamine	7249	I
Ibogaine	7260	I
CP–47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol)	7297	I
CP–47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol)	7298	I
Lysergic acid diethylamide	7315	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C–T–7)	7348	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Mescaline	7381	I
2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine (2C–T–2)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I
JWH–398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I
2,5-Dimethoxy-4-ethylamphetamine	7399	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
5-Methoxy-N-N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	7473	I
N-Benzylpiperazine	7493	I
2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C–D)	7508	I
2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C–E)	7509	I
2-(2,5-Dimethoxyphenyl) ethanamine (2C–H)	7517	I
2-(4-iodo-2,5-dimethoxyphenyl) ethanamine (2C–I)	7518	I
2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C–C)	7519	I
2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C–N)	7521	I
2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C–P)	7524	I
2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine (2C–T–4)	7532	I
MDPV (3,4-Methylenedioxypyrovalerone)	7535	I
2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25B–NBOMe)	7536	I
2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C–NBOMe)	7537	I
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I–NBOMe)	7538	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
alpha-pyrrolidinopentiophenone (α-PVP)	7545	I
alpha-pyrrolidinobutiophenone (α-PBP)	7546	I
AM–694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I
Acetyldihydrocodeine	9051	I
Benzylmorphine	9052	I
Codeine-N-oxide	9053	I
Desomorphine	9055	I
Etorphine (except HCl)	9056	I
Codeine methylbromide	9070	I
Dihydromorphine	9145	I
Heroin	9200	I

Controlled substance	Drug code	Schedule
Morphine-N-oxide	9307	I
Normorphine	9313	I
U–47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
MT–45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine))	9560	I
Tilidine	9750	I
Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide)	9811	I
Para-Fluorofentanyl	9812	I
3-Methylfentanyl	9813	I
Alpha-methylfentanyl	9814	I
Acetyl-alpha-methylfentanyl	9815	I
N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide	9816	I
Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)	9821	I
Butyryl Fentanyl	9822	I
Para-fluorobutyryl fentanyl	9823	I
4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1phenethylpiperidin-4-yl)isobutyramide)	9824	I
2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide	9825	I
Para-chloroisobutyryl fentanyl	9826	I
Isobutyryl fentanyl	9827	I
Beta-hydroxyfentanyl	9830	I
Beta-hydroxy-3-methylfentanyl	9831	I
Alpha-methylthiofentanyl	9832	I
3-Methylthiofentanyl	9833	I
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	I
Thiofentanyl	9835	I
Beta-hydroxythiofentanyl	9836	I
Para-methoxybutyryl fentanyl	9837	I
Ocfentanil	9838	I
Valeryl fentanyl	9840	I
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide	9843	I
Cyclopropyl Fentanyl	9845	I
Cyclopentyl fentanyl	9847	I
Fentanyl related-compounds as defined in 21 CFR 1308.11(h)	9850	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Phenmetrazine	1631	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
Phencyclidine	7471	II
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
Phenylacetone	8501	II
1-Piperidinocyclohexanecarbonitrile	8603	II
Cocaine	9041	II
Codeine	9050	II
Etorphine HCl	9059	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Ecgonine	9180	II
Ethylmorphine	9190	II
Hydrocodone	9193	II
Levomethorphan	9210	II
Levorphanol	9220	II
Isomethadone	9226	II
Meperidine	9230	II
Meperidine intermediate-B	9233	II
Methadone	9250	II
Dextropropoxyphene, bulk (non-dosage forms)	9273	II
Morphine	9300	II
Thebaine	9333	II
Oxymorphone	9652	II
Thiafentanil	9729	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to manufacture bulk controlled substances for use in product development of analytical reference standards for distribution to its customers.

The company will manufacture marihuana (7360) and tetrahydrocannabinols (7370) for use by their researchers under the above-listed controlled substances as Active Pharmaceutical Ingredient (API) for clinical trials.

In reference to drug code (7370) the company plans to bulk manufacture a synthetic tetrahydrocannabinol. No other activities for this drug code are authorized for this registration.

Dated: April 13, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–08348 Filed 4–20–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

DATES: All comments on the petitions must be received by MSHA's Office of Standards, Regulations, and Variances on or before May 23, 2018.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, Attention: Sheila McConnell, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations, and Variances at 202–693–9447 (Voice), *barron.barbara@dol.gov* (email), or 202–693–9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor (Secretary) determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M–2018–006–C.

Petitioner: Wolf Run Mining LLC, 21550 Barbour County Highway, Philippi, West Virginia 26416.

Mine: Sentinel Mine, MSHA I.D. No. 46–04168, located in Barbour County, West Virginia.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of nonpermissible electronic low-voltage or battery-powered nonpermissible electronic hand-held drill equipment in or inby the last open crosscut.

The petitioner states that:

(1) Nonpermissible electronic low-voltage or battery-powered nonpermissible electronic equipment will be limited to hand-held drill equipment.

(2) All other hand-held drill equipment used in or inby the last open crosscut will be permissible.

(3) Other hand-held drill equipment may be used if approved in advance by the MSHA District Manager.

(4) All nonpermissible low-voltage or battery-powered nonpermissible hand-held equipment to be used in or inby the last open crosscut will be examined prior to use by a certified person to ensure the equipment is being maintained in a safe operating condition.

(5) The results of the examinations will be recorded and retained for one year and made available to MSHA on request.

(6) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible hand-held drill equipment in or inby the last open crosscut.

(7) Nonpermissible hand-held drill equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When methane is detected at such level while the nonpermissible hand-held drill equipment is being used, the equipment will be deenergized immediately and withdrawn outby the last open crosscut.

(8) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(9) Coal production will cease in the entry or crosscut where the nonpermissible hand-held drill equipment is in use. Accumulations of coal and combustible materials referenced in 30 CFR 75.400 will be removed before drilling begins to provide additional safety to miners.

(10) Nonpermissible electronic hand-held drill equipment will not be used when float coal dust is in suspension.

(11) All hand-held drill equipment will be used in accordance with the manufacturer's recommended safe use procedures.

(12) Qualified personnel who use nonpermissible hand-held drill equipment will be properly trained to recognize the hazards and limitations associated with use of such equipment in areas where methane could be present.

(13) The nonpermissible electronic hand-held drill equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all of the above terms and conditions.

(14) Cables supplying power to low-voltage hand-held drill equipment will only be used when permissible hand-held drill equipment is not available.

Within 60 days after the Proposed Decision and Order (PDO) becomes

final, the petitioner will submit proposed revisions for its Part 48 training plan to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions in the PDO.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2018–007–C.

Petitioner: Wolf Run Mining LLC, 21550 Barbour County Highway, Philippi, West Virginia 26416.

Mine: Sentinel Mine, MSHA I.D. No. 46–04168, located in Barbour County, West Virginia.

Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of nonpermissible electronic low-voltage or battery-powered nonpermissible electronic hand-held drill equipment in return airways.

The petitioner states that:

(1) Nonpermissible electronic low-voltage or battery-powered nonpermissible electronic equipment will be limited to hand-held drill equipment.

(2) All other hand-held drill equipment used in return airways will be permissible.

(3) Other hand-held drill equipment may be used if approved in advance by the MSHA District Manager.

(4) All nonpermissible low-voltage or battery-powered nonpermissible hand-held equipment to be used in return airways will be examined prior to use by a certified person to ensure equipment is being maintained in a safe operating condition.

(5) The results of the examinations will be recorded and retained for one year and made available to MSHA on request.

(6) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible hand-held drill equipment in return airways.

(7) Nonpermissible hand-held drill equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When methane is detected at such level while the nonpermissible hand-held drill equipment is being used, the equipment will be deenergized immediately and withdrawn out of return airways.

(8) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(9) Coal production will cease in the entry or crosscut where the nonpermissible hand-held drill equipment is in use. Accumulations of coal and combustible materials referenced in 30 CFR 75.400 will be removed before drilling begins to provide additional safety to miners.

(10) Nonpermissible electronic hand-held drill equipment will not be used when float coal dust is in suspension.

(11) All hand-held drill equipment will be used in accordance with the manufacturer's recommended safe use procedures.

(12) Qualified personnel who use nonpermissible hand-held drill equipment will be properly trained to recognize the hazards and limitations associated with use of such equipment in areas where methane could be present.

(13) The nonpermissible electronic hand-held drill equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all of the above terms and conditions.

(14) Cables supplying power to low-voltage hand-held drill equipment will only be used when permissible hand-held drill equipment is not available.

Within 60 days after the Proposed Decision and Order (PDO) becomes final, the petitioner will submit proposed revisions for its Part 48 training plan to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions in the PDO.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2018–008–C.

Petitioner: Wolf Run Mining LLC, 21550 Barbour County Highway, Philippi, West Virginia 26416.

Mine: Sentinel Mine, MSHA I.D. No. 46–04168, located in Barbour County, West Virginia.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of nonpermissible electronic low-voltage or battery-powered nonpermissible electronic hand-held drill equipment within 150 feet of pillar workings or longwall faces.

The petitioner states that:

(1) Nonpermissible electronic low-voltage or battery-powered nonpermissible electronic equipment will be limited to hand-held drill equipment.

(2) All other hand-held drill equipment used within 150 feet of pillar workings or longwall faces will be permissible.

(3) Other hand-held drill equipment may be used if approved in advance by the MSHA District Manager.

(4) All nonpermissible low-voltage or battery-powered nonpermissible hand-held equipment to be used within 150 feet of pillar workings or longwall faces will be examined prior to use by a certified person to ensure equipment is being maintained in a safe operating condition.

(5) The results of the examinations will be recorded and retained for one year and made available to MSHA on request.

(6) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible hand-held drill equipment within 150 feet of pillar workings or longwall faces.

(7) Nonpermissible hand-held drill equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When methane is detected at such level while the nonpermissible hand-held drill equipment is being used, the equipment will be deenergized immediately and withdrawn further than 150 feet of pillar workings or longwall faces.

(8) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(9) Coal production will cease in the entry or crosscut where the nonpermissible hand-held drill equipment is in use. Accumulations of coal and combustible materials referenced in 30 CFR 75.400 will be removed before drilling begins to provide additional safety to miners.

(10) Nonpermissible electronic hand-held drill equipment will not be used when float coal dust is in suspension.

(11) All hand-held drill equipment will be used in accordance with the manufacturer's recommended safe use procedures.

(12) Qualified personnel who use nonpermissible hand-held drill equipment will be properly trained to recognize the hazards and limitations associated with use of such equipment

in areas where methane could be present.

(13) The nonpermissible electronic hand-held drill equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all of the above terms and conditions.

(14) Cables supplying power to low-voltage hand-held drill equipment will only be used when permissible hand-held drill equipment is not available.

Within 60 days after the Proposed Decision and Order (PDO) becomes final, the petitioner will submit proposed revisions for its Part 48 training plan to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions in the PDO.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2018–009–C.

Petitioner: Mingo Logan Coal LLC, P.O. Box E, Sharples, West Virginia 25183.

Mine: Mountaineer II Mine, MSHA I.D. No. 46–09029, located in Logan County, West Virginia.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of nonpermissible electronic low-voltage or battery-powered nonpermissible electronic hand-held drill equipment in or inby the last open crosscut.

The petitioner states that:

(1) Nonpermissible electronic low-voltage or battery-powered nonpermissible electronic equipment will be limited to hand-held drill equipment.

(2) All other hand-held drill equipment used in or inby the last open crosscut will be permissible.

(3) Other hand-held drill equipment may be used if approved in advance by the MSHA District Manager.

(4) All nonpermissible low-voltage or battery-powered nonpermissible hand-held equipment to be used in or inby the last open crosscut will be examined prior to use by a certified person to ensure the equipment is being maintained in a safe operating condition.

(5) The results of the examinations will be recorded and retained for one year and made available to MSHA on request.

(6) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible hand-held drill equipment in or inby the last open crosscut.

(7) Nonpermissible hand-held drill equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When methane is detected at such level while the nonpermissible hand-held drill equipment is being used, the equipment will be deenergized immediately and withdrawn outby the last open crosscut.

(8) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(9) Coal production will cease in the entry or crosscut where the drill is in use. Accumulations of coal and combustible materials referenced in 30 CFR 75.400 will be removed before drilling begins to provide additional safety to miners.

(10) Nonpermissible electronic hand-held drill equipment will not be used when float coal dust is in suspension.

(11) All hand-held drill equipment will be used in accordance with the manufacturer's recommended safe use procedures.

(12) Qualified personnel who use nonpermissible hand-held drill equipment will be properly trained to recognize the hazards and limitations associated with use of such equipment in areas where methane could be present.

(13) The nonpermissible electronic hand-held drill equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all of the above terms and conditions.

(14) Cables supplying power to low-voltage hand-held drill equipment will only be used when permissible hand-held drill equipment is not available.

Within 60 days after the Proposed Decision and Order (PDO) becomes final, the petitioner will submit proposed revisions for its Part 48 training plan to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions in the PDO.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2018–010 C.

Petitioner: Mingo Logan Coal LLC, P.O. Box E, Sharples, West Virginia 25183.

Mine: Mountaineer II Mine, MSHA I.D. No. 46–09029, located in Logan County, West Virginia.

Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of nonpermissible electronic low-voltage or battery-powered nonpermissible electronic hand-held drill equipment in return airways.

The petitioner states that:

(1) Nonpermissible electronic low-voltage or battery-powered nonpermissible electronic equipment will be limited to hand-held drill equipment.

(2) All other hand-held drill equipment used in return airways will be permissible.

(3) Other hand-held drill equipment may be used if approved in advance by the MSHA District Manager.

(4) All nonpermissible low-voltage or battery-powered nonpermissible hand-held equipment to be used in return airways will be examined prior to use by a certified person to ensure equipment is being maintained in a safe operating condition.

(5) The results of the examinations will be recorded and retained for one year and made available to MSHA on request.

(6) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible hand-held drill equipment in return airways.

(7) Nonpermissible hand-held drill equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When methane is detected at such level while the nonpermissible hand-held drill equipment is being used, the equipment will be deenergized immediately and withdrawn out of return airways.

(8) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(9) Coal production will cease in the entry or crosscut where the drill is in use. Accumulations of coal and combustible materials referenced in 30 CFR 75.400 will be removed before drilling begins to provide additional safety to miners.

(10) Nonpermissible electronic hand-held drill equipment will not be used when float coal dust is in suspension.

(11) All hand-held drill equipment will be used in accordance with the

manufacturer's recommended safe use procedures.

(12) Qualified personnel who use nonpermissible hand-held drill equipment will be properly trained to recognize the hazards and limitations associated with use of such equipment in areas where methane could be present.

(13) The nonpermissible electronic hand-held drill equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all of the above terms and conditions.

(14) Cables supplying power to low-voltage hand-held drill equipment will only be used when permissible hand-held drill equipment is not available.

Within 60 days after the Proposed Decision and Order (PDO) becomes final, the petitioner will submit proposed revisions for its Part 48 training plan to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions in the PDO.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2018–011–C.

Petitioner: Mingo Logan Coal LLC, P.O. Box E, Sharples, West Virginia 25183.

Mine: Mountaineer II Mine, MSHA I.D. No. 46–09029, located in Logan County, West Virginia.

Regulation Affected: 30 CFR 75.1002(a) (Installation of electric equipment and conductors; permissibility).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance to allow the use of nonpermissible electronic low-voltage or battery-powered nonpermissible electronic hand-held drill equipment within 150 feet of pillar workings or longwall faces.

The petitioner states that:

(1) Nonpermissible electronic low-voltage or battery-powered nonpermissible electronic equipment will be limited to hand-held drill equipment.

(2) All other hand-held drill equipment used within 150 feet of pillar workings or longwall faces will be permissible.

(3) Other hand-held drill equipment may be used if approved in advance by the MSHA District Manager.

(4) All nonpermissible low-voltage or battery-powered nonpermissible hand-held equipment to be used within 150 feet of pillar workings or longwall faces will be examined prior to use by a certified person to ensure equipment is being maintained in a safe operating condition.

(5) The results of the examinations will be recorded and retained for one year and made available to MSHA on request.

(6) A qualified person, as defined in 30 CFR 75.151, will continuously monitor for methane immediately before and during the use of nonpermissible hand-held drill equipment within 150 feet of pillar workings or longwall faces.

(7) Nonpermissible hand-held drill equipment will not be used if methane is detected in concentrations at or above 1.0 percent. When methane is detected at such level while the nonpermissible hand-held drill equipment is being used, the equipment will be deenergized immediately and withdrawn further than 150 feet of pillar workings or longwall faces.

(8) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(9) Coal production will cease in the entry or crosscut where the drill is in use. Accumulations of coal and combustible materials referenced in 30 CFR 75.400 will be removed before drilling begins to provide additional safety to miners.

(10) Nonpermissible electronic hand-held drill equipment will not be used when float coal dust is in suspension.

(11) All hand-held drill equipment will be used in accordance with the manufacturer's recommended safe use procedures.

(12) Qualified personnel who use nonpermissible hand-held drill equipment will be properly trained to recognize the hazards and limitations associated with use of such equipment in areas where methane could be present.

(13) The nonpermissible electronic hand-held drill equipment will not be put into service until MSHA has initially inspected the equipment and determined that it is in compliance with all of the above terms and conditions.

(14) Cables supplying power to low-voltage hand-held drill equipment will only be used when permissible hand-held drill equipment is not available.

Within 60 days after the Proposed Decision and Order (PDO) becomes final, the petitioner will submit proposed revisions for its Part 48 training plan to the District Manager. These revisions will specify initial and refresher training regarding the terms and conditions in the PDO.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2018–08408 Filed 4–20–18; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standard

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

DATES: All comments on the petitions must be received by MSHA's Office of Standards, Regulations, and Variances on or before May 23, 2018.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Email: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, Attention: Sheila McConnell, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations, and Variances at 202–693–9447 (Voice), *barron.barbara@dol.gov* (email), or 202–693–9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and

Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor (Secretary) determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M–2018–012–C.

Petitioner: Hamilton County Coal, LLC, 18033 County Road, 500E, Dahlgren, Illinois 62828–4294.

Mine: Mine No. 1, MSHA I.D. No. 11–03203, located in Hamilton County, Illinois.

Regulation Affected: 30 CFR 75.1506 (Refuge alternatives).

Modification Request: The petitioner requests a modification of the existing standard to permit through alternative safety measures, use of the Dräger PAS Lite® Self-Contained Breathing Apparatus (SCBA) and ChargeAir Filling Stations in conjunction with a centrally located built-in-place (BIP) Refuge Alternative (RA) at Mine No. 1.

The petitioner states that:

(1) The proposed alternative safety measures place the primary focus on facilitating escape and emphasize survivable refuge as a last resort. The utilization of SCBS along with ChargeAir Filling Stations provides the best opportunity for mine evacuation due to the SCBS making verbal communication possible and eliminating potential hazards that exist within transfer between Self-Contained Self Rescuers (SCSRs).

(2) If mine escape is not possible, the utilization of a centrally located BIP RA as last resort provides the best opportunity for survival due to its inherent advantages. Utilizing a borehole to the surface to supply continuous fresh air to trapped miners, the BIP RA is able to maintain a superior environment, as compared to portable RAs. The result is an improved psychological and physiological environment that can be advantageous to the health and safety of miners in the stress of an emergency. The location and construction of the BIP RA has a higher likelihood of avoiding damage from both primary and secondary explosions that often occur at the face area. The communication system to the BIP RA has a higher likelihood of surviving a disaster because it is protected inside the borehole to the surface and behind the structure walls.

(3) Mine No. 1 extracts coal from the Herrin No. 6 coal seam by both continuous mining and longwall extraction methods. The average mining height at Mine No. 1 is approximately 8.5 feet. Mine No. 1 utilizes both SCSRs and SCBAs which are approved by MSHA and/or NIOSH. These devices include the Ocenco M–20 SCSR, Ocenco EBA 6.5 SCSR, CSE Self Rescuer Long Duration (SLRD) SCSR, and the Dräger PAS Lite® SCBA. The breathable air units are provided in the underground mine workings as follows:

—A cache of Ocenco EBA 6.5 SCSRs located at the section power centers;

—A cache of 24 Dräger PAS Lite® SCBAs located outby the section loading in the primary escapeway;

—An additional 14 Dräger PAS Lite® SCBAs located on the section safety ride;

—A cache of (2) Ocenco EBA 6.5 SCSRs located at intervals not to exceed 2,000 feet along both the primary escapeway and the alternative escapeway;

—At intervals not to exceed 5,700 feet along the primary escapeway, the mine has in place refill station(s) for the Dräger PAS Lite® SCBAs and an additional five (5) one-hour SCSRs and/or SCBAs;

—At intervals not to exceed 5,700 feet along the alternate escapeway, the mine has in place caches of Ocenco EBA 6.5 SCSRs;

—Both the SCBA refill(s) and the caches are accessible by a man door located in the stopping line separating the primary and alternate escapeway; and

—All mantrips and vehicles on which persons travel throughout the mine are provided with SCBAs equal to the occupant capacity of the equipment. All employees and visitors are trained in the donning and transfer of these units.

The petitioners request for modification of the application of 30 CFR 75.1506 will be conditioned upon compliance with the following:

—The mine will construct a BIP RA in a crosscut located within one hour of walking distance from the shaft and slope bottoms.

—The BIP RA will be constructed with two (2) approved 15-pounds per square inch (psi) minimum stoppings adjacent to the escapeway entries.

The BIP RA will provide a minimum of 60 cubic feet of volume per person and a minimum of 15 square feet of floor space per person.

—Access to the BIP RA will be gained through a door which is approved in conjunction with a 15-psi stopping.

—An air-sampling pipe will be installed in the 15-psi minimum stopping. The air-sampling pipe will be of 1 inch diameter and will be equipped with a threaded cap located inside the BIP RA.

—A Pressure Relief Pipe will be installed in the 15-psi minimum stopping. This pipe will be of six inch diameter and will be equipped with a one-way check valve.

—Air monitoring equipment will be placed inside the airlock area of the BIP RA.

—Ten (10) SCBAs and ten (10) Ocenco EBA 6.5 SCSRs will be stored within the airlock area of the BIP RA.

—An airlock wall will be constructed within the BIP RA. This airlock wall will be constructed as a dry-stacked and plastered stopping.

—A pressure by-pass pipe will be installed within the airlock wall. This pipe will be six inches in diameter.

—Access through the airlock will be gained by use of a man door.

—A cased eight inch diameter borehole will be utilized to provide breathable air from the blower located on the surface.

—A 2-wire page phone cable will be installed in the borehole and shunted on both ends.

—A storage box will be provided within the BIP RA and will contain at a minimum a page phone and spare battery, fire extinguisher, lightsticks, portable toilet, sanitation bags, toilet paper, first aid kit, pipe wrench, etc.

—A minimum of the 2,000 calories of food and 2.25 quarts of portable water per person per day in approved containers sufficient to sustain the maximum number of persons reasonably expected to use the BIP RA for at least 96 hours.

—At a minimum, breathable air units will continue to be maintained as provided above in this petition.

—Miners will continue to travel into irrespirable atmospheres to gain access to the BIP RA by use of the Dräger PAS Lite® SCBAs as follows:

a. The ChargeAir Filling Station is an automatic cascading refill system that is

stored at approved locations in underground mines. It contains numerous banks of cylinders that are used to store breathing air at a pressure of 6,000 psi. The plumbing of these banks allows for automatic cascading when the users are refilling their SCBA's.

b. The ChargeAir Filling Station utilizes specialized valves that allow for the cascading process to be done automatically with no need for the user to open and close storage cylinder valves. Typically cascading is done with a user manually opening and closing valves at a control panel. The sequence in which the banks are opened is very important. If the wrong bank of cylinders is opened, the number of SCBA's that can be refilled will be fewer than anticipated. Draeger has made the ChargeAir Filling Station an automatic cascade system to help eliminate errors by removing the human factor in this process.

c. Once the user has donned their SCBA they proceed to exit the mine. The ChargeAir Filling Station is pressurized at all times while underground making it ready for use at any moment. When the SCBA user arrives at the ChargeAir Filling Station, they access the control panel and open the main pressure valve. Once the valve is opened, high pressure air is sent to all of the refill lines. The user grasps an individual refill line and connects it to their SCBA. The SCBA is instantly recharged.

d. The user then disconnects from the ChargeAir Filling Station and proceeds to the next ChargeAir Filling Station, replenishing their 60-minute SCBA air supply. This refilling of the users SCBA is repeated along the escapeways until the SCBA user exits the mine.

e. In an emergency situation when visibility is minimal and the atmosphere is toxic, changing out escape equipment becomes increasingly difficult. With the Dräger PAS Lite® SCBA refill system, the units are not exchanged during an escape, but rather recharged while donned and miners are breathing clean air.

f. An SCBA utilizes a positive pressure system, which means that breathing air flows into the face piece upon each inhalation. In addition, the air is cool due to the expansion from compression.

g. Wearing a full face mask makes verbal communication possible, which is very important in an emergency.

h. The system removes the potential hazards that exist within transfer between SCSRs and the potential hazards created by use of a negative pressure system.

—All underground mine personnel will be trained in the provisions of this petition before the petition is implemented. A record of this training will be documented and made available for inspection by authorized representatives of the Secretary and representatives of the Illinois Department of Natural Resources.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2018–013–C.

Petitioner: The Coteau Properties Company, 204 County Road, Beulah, North Dakota 58523–9475.

Mine: Freedom Mine, MSHA I.D. No. 32–00595, located in Mercer County, North Dakota.

Regulation Affected: 30 CFR 77.1607(u) (Loading and haulage equipment; operation).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of large tow ropes and/or a Lambordini Model 9LD 625–2 engine driven hydraulic power pack to tow disabled haulage trucks in lieu of a solid tow bar and safety chain.

The petitioner states that:

(1) The proposed towing system will only apply to vehicles with a ''fail safe'' braking system and emergency steering capabilities.

(2) The tow ropes used to tow a disabled vehicle will be a minimum of 3⅝ inch Dyneema material, at least 50 feet in length, with an average breaking strength of 1,459,000 pounds and maintained in good condition. Tow ropes will be attached to both vehicles with tow balls or equivalent attachments. Connecting the towing ropes between vehicles must be done when the vehicles are at a protected location and the engines are not running.

(3) Radio communications between the towed and the towing vehicles must be maintained at all time when the vehicles are moving. The towed vehicle driver must be able to see at least 10 feet in front of the vehicle. Towing speed will not exceed 5 miles per hour.

(4) The engine driven hydraulic ''power pack'' will be adequately designed to supply the correct hydraulic pressure recommended by the towed vehicle manufacturer. The power pack will be securely mounted to the towed vehicle as to not impede the operation of the vehicle or pose safety hazards such as a broken hydraulic line or exhaust fumes that may enter the operator's compartment. The power pack will not impede the ability to exit the vehicle quickly.

(5) The power pack will operate at all times when the vehicle is being towed to maintain normal braking and steering functions. The power pack must be examined prior to each use by a qualified mechanic trained to perform the examination.

(6) Prior to towing operation, testing of the brakes and steering will be performed at a protected location. The test must include fully pressurizing the air system to assure the brakes function properly and depleting the air system to assure the ''fail safe'' brakes reapply at the proper pressures.

(7) All qualified mechanics will be trained to perform the installation of the power pack and to recognize conditions that would prohibit use of the power pack to tow a vehicle.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Docket Number: M–2018–004–M.

Petitioner: Hutchinson Salt Company, Three Gateway Center, 401 Liberty Avenue, Suite 1500, Pittsburgh, Pennsylvania 15222.

Mine: Hutchinson Salt Company Mine, MSHA I.D. No. 14–0412, located in Reno County, Kansas.

Regulation Affected: 30 CFR 57.12084 (Branch circuit disconnecting devices).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance of the standard with respect to branch circuit disconnecting devices.

The petitioner states that:

(1) The Hutchinson Salt Mine maintains an electrical system throughout the mine. That system includes the use of underground transformer stations where the voltage coming into the mine is stepped down for use of the electrical equipment in the mine.

(2) Petitioner proposes to use an LBU II Loadbreaker fuse cutouts as disconnects at each underground transformer station on the incoming sides of the transformers.

(3) There are approximately 20 transformers throughout the underground portion of the mine. These areas are accessed as needed for maintenance purposes. This condition exposes persons to fatal electrical hazards.

(4) The petitioner currently has a means to disconnect the 480-volt power at the output side of the step down transformers in the mine. The petitioner

is filing this petition for modification with respect to the power coming to each transformer station.

(5) The petitioner proposes the following alternative method to be utilized.

(a) Petitioner will install LBU II Loadbreaker fuse cutouts at each transformer station underground (branch power station) where feasible as a means of disconnecting the 2,300-volt power supply.

(b) Such cutouts will be installed at least 9 feet above the mine floor in the open air. It will be possible to operate such switches from the mine floor.

(c) A properly rated hot stick will be utilized to break the fuse under load if necessary.

(d) The miner using such hot stick will utilize appropriate Personal Protective Equipment.

(e) If it becomes necessary to lock and tag out the Loadbreaker cutouts, appropriate procedures will be utilized, including, either disabling the hot stick with a lockout device covering the hook or removing the fuse cutouts from their holders and locking them in a box.

(f) Within 60 days after the Proposed Decision and Order becomes final, the petitioner will submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager for the area in which the mine is located. These proposed revisions will specify task training for miners designated to perform electrical work under the requirements of this petition.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the existing standard.

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2018–08409 Filed 4–20–18; 8:45 am]

BILLING CODE 4520–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 18–032]

National Space-Based Positioning, Navigation, and Timing Advisory Board; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, and the President's 2004 U.S. Space-Based Positioning, Navigation, and Timing (PNT) Policy, the National Aeronautics and Space Administration (NASA) announces a meeting of the National Space-Based Positioning, Navigation, and Timing (PNT) Advisory Board.

DATES: Wednesday, May 16, 2018, 9:30 a.m. to 6:00 p.m.; and Thursday, May 17, 2018, 9:00 a.m. to 1:00 p.m., Local Time.

ADDRESSES: Sheraton Inner Harbor in Baltimore, Harborview Ballroom, 300 South Charles Street, Baltimore, MD 21201.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Miller, Designated Federal Officer, Human Exploration and Operations Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–4417, fax (202) 358–4297, or *jj.miller@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

The agenda for the meeting includes the following topics:

- Update on U.S. Space-Based Positioning, Navigation and Timing (PNT) Policy and Global Positioning System (GPS) modernization
- Current and planned GPS capabilities and services while assessing future PNT architecture alternatives with a focus on affordability
- Methods in which to Protect, Toughen, and Augment (PTA) access to GPS/Global Navigation Satellite Systems (GNSS) services in key domains for multiple user sectors
- Economic impacts of GPS/GNSS on the United States and in select international regions, with a consideration towards effects of potential PNT service disruptions if radio spectrum interference is introduced
- Potential benefits, perceived vulnerabilities, and any proposed regulatory constraints to accessing foreign Radio Navigation Satellite Service (RNSS) signals in the U.S. and subsequent impacts on multi-GNSS receiver markets
- Opportunities for enhancing the interoperability of GPS with other emerging international GNSS
- Emerging trends and requirements for PNT services in U.S. and international fora through PNT Board technical assessments, including back-up services for terrestrial, maritime, aviation, and space users

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2018–08352 Filed 4–20–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Submission for OMB Review, Comment Request, Proposed Collection: IMLS National Medals Nomination Forms

AGENCY: Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

ACTION: Submission for OMB review, comment request.

SUMMARY: The Institute of Museum and Library Services announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. This notice proposes the clearance of the IMLS National Medals Nomination forms and instructions.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Comments must be submitted to the office listed in the **FOR FURTHER INFORMATION CONTACT** section below on or before May 22, 2018.

OMB is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses).

ADDRESSES: Comments should be sent to Office of Information and Regulatory Affairs, *Attn.:* OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, (202) 395–7316.

FOR FURTHER INFORMATION CONTACT: Dr. Sandra Webb, Director of Grant Policy and Management, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Dr. Webb can be reached by Telephone: 202–653–4718 Fax: 202–653–4608, or by email at *swebb@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

SUPPLEMENTARY INFORMATION: The Institute of Museum and Library Services is the primary source of federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. Our vision is a nation where museums and libraries work together to transform the lives of individuals and communities. To learn more, visit *www.imls.gov.*

Current Actions: This notice proposes the clearance of the IMLS National Medals Nomination forms and instructions. The 60-day Notice for the ''Notice of Proposed Information Collection Requests: 2019–2021 IMLS National Medals Nomination Forms was published in the **Federal Register** on November 27, 2017 (82 FR 56058). The agency has taken into consideration the one comment that was received under this notice.

The National Medals are designed to recognize outstanding libraries and museums that have made significant contributions in service to improve the wellbeing of their communities. These institutions exceed expected levels of community outreach beyond a single program or exhibit by building community cohesion and serving as catalysts for positive community change. Nominees should review the IMLS strategic plan (*https://www.imls.gov/publications/transforming-communities-imls-strategic-plan-2018-2022*) and highlight how their work aligns (*e.g.,* promoting lifelong learning, building institutional capacity, increasing community access). We are particularly interested in enhanced services for veterans/military families, sustained opportunities for diverse youth and young professionals, and assistance to marginalized young families or seniors. Recipient institutions are honored at an awards ceremony that is held in Washington, DC.

Agency: Institute of Museum and Library Services.

Title: IMLS National Medals Nomination Forms.

OMB Number: 3137–0097.

Frequency: Once per year.

Affected Public: Library and Museum applicants.

Number of Respondents: 160.

Estimated Average Burden per Response: 9 hours.

Estimated Total Annual Burden: 1,440 hours.

Total Annualized Capital/Startup Costs: n/a.

Total Annual Costs: $40,219.

Dated: April 18, 2018.

Kim Miller,

Grants Management Specialist, Office of Grants Policy and Management.

[FR Doc. 2018–08407 Filed 4–20–18; 8:45 am]

BILLING CODE 7036–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–275 and 50–323; NRC–2009–0552]

Pacific Gas & Electric Company; Diablo Canyon Power Plant, Unit Nos. 1 and 2; Withdrawal of License Renewal Application

AGENCY: Nuclear Regulatory Commission.

ACTION: License renewal application; withdrawal by applicant.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Pacific Gas & Electric Company (PG&E or the licensee) to withdraw its application, and all associated correspondence and commitments, dated November 23, 2009, for license renewal of Diablo Canyon Power Plant (DCPP), Unit Nos. 1 and 2 (Operating License Nos. DPR–80 and DPR–82, respectively). The license renewal application had requested 20 additional years of operation for DCPP, Unit Nos. 1 and 2. By withdrawing the license renewal application, the current operating licenses will expire on November 2, 2024, for DCPP Unit No. 1, and on August 26, 2025, for Unit No. 2.

DATES: The effective date of the withdrawal of the license renewal application is April 23, 2018.

ADDRESSES: Please refer to Docket ID NRC–2009–0052 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2009–0052. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Elaine Keegan, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–8517; email: *Elaine.Keegan@nrc.gov.*

SUPPLEMENTARY INFORMATION: The licensee submitted its application for license renewal for DCPP, Unit Nos. 1 and 2, on November 23, 2009 (ADAMS Accession No. ML093340086). DCPP, Unit Nos. 1 and 2, are located in San Luis Obispo County, California, approximately 7 miles northwest of Avila Beach and 12 miles west-southwest of San Luis Obispo. On April 10, 2011, PG&E requested the deferral of a final decision on the license renewal application until seismic studies and a report addressing the results of those studies were completed (ADAMS Accession No. ML111010592).

The NRC staff issued a safety evaluation report on June 2, 2011 (ADAMS Accession No. ML11153A103),

that documented the technical safety review of DCPP, Unit Nos. 1 and 2. Appendix A of the safety evaluation report listed PG&E's commitments for renewal of the operating licenses.

The NRC staff resumed the review of the license renewal application after PG&E submitted the annual update for the application on December 22, 2014 (ADAMS Package Accession No. ML14364A259). Subsequently, on June 21, 2016, PG&E requested that the NRC staff suspend the license renewal review (ADAMS Accession No. ML16175A561). At that time, PG&E also requested approval from the California Public Utilities Commission not to proceed with license renewal. The NRC staff suspended the license renewal review in July 2016. On January 11, 2018, the California Public Utilities Commission approved PG&E's proposal to close DCPP, Unit Nos. 1 and 2, when its current licenses expire. By letter dated March 7, 2018, PG&E requested withdrawal of its license renewal application, including all associated correspondence and commitments, for DCPP, Unit Nos. 1 and 2 (ADAMS Accession No. ML18066A937).

Pursuant to the requirements in part 2 of title 10 of the *Code of Federal Regulations,* the Commission grants PG&E's request to withdraw DCPP, Unit Nos. 1 and 2, license renewal application.

Dated at Rockville, Maryland, this 17th day of April 2018.

For the Nuclear Regulatory Commission.

Eric R. Oesterle,

Chief, License Renewal Project Branch, Division of Materials and License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–08366 Filed 4–20–18; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Revision to ZIP Code Zone Charts for APO/FPO/DPO Inbound Mail

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service will rezone Inbound Mail from APO/FPO/DPO ZIP Codes to coordinate the Origin/Destination ZIP Codes with the designated International Service Centers (ISC) through which each originating ZIP Code dispatches mail.

DATES: *Applicable:* June 1, 2018.

FOR FURTHER INFORMATION CONTACT: Direct questions or comments to Kimberly G. Forehan by email at *kimberly.g.forehan@usps.gov* or phone (859) 447–2652.

SUPPLEMENTARY INFORMATION: Effective with the ZIP Code Zone Charts update on June 1, 2018, Inbound Mail from APO/FPO/DPO ZIP Codes will be rezoned to coordinate the Origin/Destination ZIP Codes with the designated International Service Centers (ISC) through which each originating ZIP Code dispatches mail. This means that mail being sent from the various APO/FPO/DPO ZIP codes will be realigned so that both outbound and inbound ZIPs will be paired with the areas they serve. The US Postal Service refers to these relationships as ''reciprocal'' or ''retrograde'' pairs. This is a change from the current process where Pacific ZIP Codes are zoned through the San Francisco ISC and the European ZIP Codes are zoned through the JFK ISC. After June 1, 2018, each of the five ISCs will be aligned with reciprocal pairs for inbound mail from APO/FPO/DPO ZIP Codes. This will result in a more accurate pricing model for Military customers mailing items back to the United States.

Ruth Stevenson,

Attorney, Federal Compliance.

[FR Doc. 2018–08360 Filed 4–20–18; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 206(3)–2; SEC File No. 270–216, OMB Control No. 3235–0243

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 206(3)–2, (17 CFR 275.206(3)–2,) which is entitled ''Agency Cross Transactions for Advisory Clients,'' permits investment advisers to comply with section 206(3) of the Investment Advisers Act of 1940 (the ''Act'') (15 U.S.C. 80b–6(3)) by obtaining a client's blanket consent to enter into agency cross transactions (*i.e.,* a transaction in which an adviser acts as a broker to both the advisory client and the opposite party to the transaction). Rule 206(3)–2, applies to all registered investment advisers. In relying on the rule, investment advisers must provide certain disclosures to their clients. Advisory clients can use the disclosures to monitor agency cross transactions that affect their advisory account. The Commission also uses the information required by Rule 206(3)–2, in connection with its investment adviser inspection program to ensure that advisers are in compliance with the rule. Without the information collected under the rule, advisory clients would not have information necessary for monitoring their adviser's handling of their accounts and the Commission would be less efficient and effective in its inspection program.

The information requirements of the rule consist of the following: (1) Prior to obtaining the client's consent, appropriate disclosure must be made to the client as to the practice of, and the conflicts of interest involved in, agency cross transactions; (2) at or before the completion of any such transaction, the client must be furnished with a written confirmation containing specified information and offering to furnish upon request certain additional information; and (3) at least annually, the client must be furnished with a written statement or summary as to the total number of transactions during the period covered by the consent and the total amount of commissions received by the adviser or its affiliated broker-dealer attributable to such transactions.

The Commission estimates that approximately 426 respondents use the rule annually, necessitating about 50 responses per respondent each year, for a total of 21,300 responses. Each response requires an estimated 0.5 hours, for a total of 10,650 hours. The estimated average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or representative survey or study of the cost of Commission rules and forms.

This collection of information is found at (17 CFR 275.206(3)–2) and is necessary in order for the investment adviser to obtain the benefits of Rule 206(3)–2, The collection of information requirements under the rule is mandatory. Information subject to the disclosure requirements of Rule 206(3)–2 does not require submission to the Commission; and, accordingly, the disclosure pursuant to the rule is not kept confidential.

Commission-registered investment advisers are required to maintain and preserve certain information required under Rule 206(3)–2 for five (5) years. The long-term retention of these records

is necessary for the Commission's inspection program to ascertain compliance with the Advisers Act.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: April 18, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–08403 Filed 4–20–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83054; File No. SR–NASDAQ–2018–027]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delete Duplicative Rules Related to the Consolidated Audit Trail From Its Rulebook

April 17, 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 5, 2018, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to delete the rules related to the Consolidated Audit Trail (''CAT Rules'') currently under Chapter IX, Sections 8 and 9 of Nasdaq's Options Rules, as further described below.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to delete the CAT Rules currently under Nasdaq's Options Rules, Chapter IX, Sections 8 and 9 because these rules are already located in General 7, entitled ''Consolidated Audit Trail Compliance,'' under the ''General Equity and Options Rules'' in the Exchange's rulebook's shell structure.[3] Given that the CAT Rules contained in General 7 are non-product specific and are identical to the CAT Rules in Nasdaq's Options Rules,[4] the Exchange proposes to delete the duplicative rules in Nasdaq's Options Rules as market participants transacting on the Exchange's equity and options markets are already governed by the CAT Rules in General 7.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest by removing the duplicative CAT Rules from Nasdaq's Options Rules. As discussed above, Exchange members are already governed by the CAT Rules in General 7 of the rulebook's shell structure. The Exchange believes that the proposed changes will make the Exchange's rulebook easier to read and eliminate any potential confusion to the benefit of its members and investors.

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 proposed changes as discussed above do not impose a burden on competition because they are non-substantive and are intended to clarify the Exchange's rulebook in order to eliminate any potential confusion.

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[7] and

[3] The Exchange added a shell structure to its rulebook with the purpose of improving efficiency and readability and to align its rules closer to those of its five sister exchanges: Nasdaq BX, Inc.; Nasdaq PHLX LLC; Nasdaq ISE, LLC; Nasdaq GEMX, LLC; and Nasdaq MRX, LLC (''Affiliated Exchanges''). *See* Securities Exchange Act Release No. 82175 (November 29, 2017), 82 FR 57494 (December 5, 2017) (SR–NASDAQ–2017–125).

[4] As part of its continued effort to promote efficiency and conformity of its rules with those of the Affiliated Exchanges, the Exchange recently relocated the CAT Rules previously under the 6800 Series of Nasdaq's Equity Rules to General 7 because the CAT Rules apply across all markets and to all products. *See* Securities Exchange Act Release No. 82604 (January 30, 2018), 83 FR 5154 (February 5, 2018) (SR–NASDAQ–2018–007).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

subparagraph (f)(6) of Rule 19b–4 thereunder.[8]

A proposed rule change filed under Rule 19b–4(f)(6)[9] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission to waive the 30-day operative delay so that the proposal will become operative upon filing. The Exchange stated that removing the duplicative CAT Rules, as discussed above, will bring greater clarity to its rulebook and will eliminate any potential confusion to the benefit of its members and investors. Therefore, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change as operative upon filing.[11]

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–NASDAQ–2018–027 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2018–027. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2018–027 and should be submitted on or before May 14, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2018–08368 Filed 4–20–18; 8:45 am]

BILLING CODE 8011–01–P

[8] 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.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] 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).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83058; File No. SR–DTC–2018–003]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the DTC Redemptions Service Guide and the DTC Reorganizations Service Guide To Add Clarifying Text Relating to the Processing of MMI Securities

April 17, 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 16, 2018, The Depository Trust Company (''DTC'') 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 clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change[3] consists of proposed modifications to the DTC Reorganizations Service Guide (''Reorganizations Guide'')[4] and the DTC Redemptions Service Guide (''Redemptions Guide'')[5] to make clarifying changes and provide enhanced transparency within DTC's Procedures[6] relating to the processing of transactions in money market instruments (''Money Market Securities'') in DTC's MMI Program,[7] as described below.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Each capitalized term not otherwise defined herein has its respective meaning as set forth in the Rules, By-Laws and Organization Certificate of The Depository Trust Company (''Rules''), *available at http://www.dtcc.com/legal/rules-and-procedures.aspx* and the DTC Settlement Service Guide (''Settlement Guide''), *available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Settlement.pdf.*

[4] *Available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Reorganization-Service-Guide.pdf.*

[5] *Available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Redemptions.pdf.*

[6] Pursuant to the Rules, the term ''Procedures'' means the Procedures, service guides, and regulations of DTC adopted pursuant to Rule 27, as amended from time to time. *See* Rule 1, Section 1, *supra* note 3, at 13.

[7] Pursuant to the Rules, the term MMI Program means the Program for transactions in MMI Securities, as provided in Rule 9(C) and as specified

Continued

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change consists of proposed modifications to the DTC Reorganizations Guide and the DTC Redemptions Guide to make clarifying changes and provide enhanced transparency within DTC's Procedures relating to the processing of transactions in MMI Securities in DTC's MMI Program, as discussed below.

Background

When an issuer of MMI Securities (''Issuer'') issues MMI Securities at DTC, the Issuing and Paying Agent (''IPA'') for that Issuer sends issuance instructions to DTC electronically, which results in crediting the applicable MMI Securities to the DTC Account of the IPA. These MMI Securities are then Delivered to the Accounts of applicable Participants that are purchasing the issuance of MMI Securities in accordance with their purchase amounts. These purchasing Participants typically include broker/dealers or banks, acting as custodians for institutional investors. The IPA Delivery instructions may be free of payment or, most often, Delivery Versus Payment. Deliveries of MMI Securities are processed pursuant to the same Rules and the applicable Procedures set forth in the Settlement Guide, as are Deliveries generally, whether free or versus payment. Delivery Versus Payment transactions are subject to risk management controls of the IPA and Receiving Participants for Net Debit Cap and Collateral Monitor sufficiency,[8] and payment for Delivery Versus Payment transactions is due from the receiving Participants through DTC's net settlement process. To the extent, if any, that the Participant has a Net Debit Balance in its Settlement Account at end-of-day, payment of that amount is due to DTC.

In 2017, DTC implemented rule changes (''2017 Changes'') relating to the processing of MMI Securities to improve the efficiency and reduce risks associated with the processing of transactions in MMI Securities, as described in the rule filing pursuant to which the 2017 Changes were implemented.[9] The 2017 Changes included amendments to the Rules, Settlement Guide [10] and DTC Distributions Service Guide (''Distributions Guide'') [11] in this regard.

While the Rules and Procedures governing the processing of transactions in MMI Securities are primarily contained in the Rules [12] and the Settlement Guide,[13] the Distributions Guide was amended pursuant to the 2017 Changes to make clarifying changes to text relating to the processing of Income Presentments,[14] so that it is consistent with the Settlement Guide in that regard.

The proposed rule change would make clarifying changes to the Reorganizations Guide and Redemptions Guide to add text similar to that included in the Distributions Guide [15] pursuant to the 2017 Changes and clarify certain aspects of processing relating more specifically to Reorganization Presentments and Maturity Presentments, as described below.

Proposed Changes to the Redemptions Guide

As mentioned above, provisions governing the processing of transactions in MMI Securities are primarily contained in the Rules and Settlement Guide. The Redemptions Guide currently contains provisions relating to the processing of maturity events for non-MMI Securities and does not contain text relating to the processing of maturities of MMI Securities. In order to provide (i) enhanced clarity for Participants, and (ii) a point of reference within the Redemptions Guide, with respect to processing of transactions in maturing MMI Securities, the proposed rule change would amend the Redemptions Guide to (a) add a brief description of Maturity Presentments and the processing of transactions relating to them, (b) add a brief description of the ''Settlement User Interface,'' which is used by Participants to submit input and inquiries relating to the processing of transactions in MMI Securities in accordance with the Settlement Guide,[16] and (c) provide a cross-reference to the Settlement Guide for Procedures relating to processing of transactions in MMI Securities.

In this regard, the following text would be added to a new section of the Redemptions Guide that would be titled ''Maturity Presentments for MMI Issues,'' as follows:

A ''Maturity Presentment'' is a Delivery Versus Payment (as defined in Rule 1) of matured money market instruments (MMI Securities) from the account of a presenting Participant to a designated paying agent account for that issue and is subject to, and is processed in accordance with, Rule 9(A), Rule 9(B), Rule 9(C) of DTC and the Procedures set forth in the DTC Settlement Service Guide. Maturity

in the Procedures. *See* Rule 1, Section 1, *supra* note 3, at 10. Eligibility for inclusion in the MMI Program covers MMI Securities, which are short-term debt Securities that generally mature 1 to 270 days from their original issuance date. MMI Securities include, but are not limited to, commercial paper, banker's acceptances and short-term bank notes and are issued by financial institutions, large corporations, or state and local governments. Most MMI Securities trade in large denominations (typically, $250,000 to $50 million) and are purchased by institutional investors. Eligibility for inclusion in the MMI Program also covers medium term notes that mature over a longer term.

[8] Delivery Versus Payment transfers at DTC are structured so that the completion of Delivery of Securities to a Participant in end-of-day settlement is contingent on the receiving Participant satisfying its end-of-day net settlement obligation, if any. The risk of Participant failure to settle is managed through risk management controls, structured so that DTC may complete settlement despite the failure to settle of the Participant, or Affiliated Family of Participants, with the largest net settlement obligation. The two principal controls are the Net Debit Cap and Collateral Monitor. The largest net settlement obligation of a Participant or Affiliated Family of Participants cannot exceed DTC liquidity resources, based on the Net Debit Cap, and must be fully collateralized, based on the Collateral Monitor. This structure is designed so that DTC may pledge or liquidate Collateral of the defaulting Participant in order to fund settlement among non-defaulting Participants. Liquidity resources, including the Participants Fund and a committed line of credit with a consortium of lenders, are available to complete settlement among non-defaulting Participants.

[9] Securities Exchange Act Release No. 34–79764 (January 9, 2017), 82 FR 4434 (January 13, 2018) (SR–DTC–2016–008).

[10] *Supra* note 3.

[11] *Available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Service%20Guide%20Distributions.pdf.*

[12] *See* Rule 9(A), Rule 9(B) and Rule 9(C), *supra* note 3.

[13] *See supra* note 3 at 45–47.

[14] Pursuant to the Rules, the term ''Income Presentment'' means an instruction initiated by DTC to credit the Account of DTC with an amount of interest or dividend income payable to DTC by an issuer in respect of MMI Securities (other than an amount of interest or dividend income or other distribution of cash or property payable to DTC by the issuer in connection with a Maturity Presentment or a Reorganization Presentment) and to debit the designated Paying Agent Account for that issue with the same amount, as provided in Rule 9(C) and as specified in the Procedures. *See* Rule 1, Section 1, *supra* note 1, at 7.

[15] *See supra* note 11 at 28.

[16] *See supra* note 3 at 5.

Presentments are not attempted for processing until the issuer's issuing and paying agent (IPA) makes a funding decision in the form of an ''MMI Funding Acknowledgment.'' Once a funding decision is made items will be processed subject to risk controls and the sufficient inventory of the relevant Participants. IPAs and other Participants may submit input and inquiries relating to MMI Securities processing through the Settlement User Interface. See the DTC Settlement Service Guide, available at *http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Settlement.pdf,* for the DTC Procedures relating to the processing of transactions in MMI Securities.

Proposed Changes to the Reorganizations Guide

As mentioned above, provisions governing the processing of transactions in MMI Securities are primarily contained in the Rules [17] and Settlement Guide.[18] The Reorganizations Guide currently contains provisions relating to the processing of reorganizations for non-MMI Securities and does not contain text relating to the processing of Reorganization Presentments. In order to provide (i) enhanced clarity and transparency for Participants, and (ii) a point of reference within the Reorganizations Guide, with respect to processing of Reorganization Presentments, the proposed rule change would amend the Reorganizations Guide to (a) add a brief description of Reorganization Presentments and the processing of transactions relating to them, (b) add a brief description of the ''Settlement User Interface,'' which is used by Participants to submit input and inquiries relating to processing of transactions in MMI Securities in accordance with the Settlement Guide,[19] and (c) provide a cross-reference to the Settlement Guide for Procedures relating to the processing of transactions in MMI Securities.

In this regard, the following text would be added to a new section of the Reorganizations Guide that would be titled ''Reorganization Presentments for MMI Issues,'' as follows:

A ''Reorganization Presentment'' is a Delivery Versus Payment (as defined in Rule 1) of money market instruments (MMI Securities) in response to a reorganization action from the account of a presenting Participant to a designated paying agent account for that issue, and is subject to, and is processed in accordance with Rule 9(A), Rule 9(B), Rule 9(C) of DTC and the Procedures set forth in the Settlement Service Guide. Reorganization Presentments are not attempted for processing until the issuer's issuing and paying agent (IPA) makes a funding decision in the form of an ''MMI Funding Acknowledgment.'' Once a funding decision is made items will be processed subject to risk controls and the sufficient inventory of the relevant Participants. IPAs and other Participants may submit input and inquiries relating to processing of transactions in MMI Securities through the Settlement User Interface. See the DTC Settlement Service Guide, available at *http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Settlement.pdf,* for the DTC Procedures relating to the processing of transactions in MMI Securities.

Effective Date

The proposed rule change would become effective upon filing with the Commission.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act [20] requires that the rules of the clearing agency be designed, *inter alia,* to promote the prompt and accurate clearance and settlement of securities transactions. DTC believes that the proposed rule change is consistent with this provision of the Act because by adding text within the Procedures set forth in the Redemptions Guide and Reorganizations Guide regarding the processing of MMI Securities, the proposed rule change would provide enhanced clarity and transparency for Participants with respect to the Rules and Procedures relating to the processing of Maturity Presentments and Reorganization Presentments, as described above. Therefore, by providing Participants with enhanced clarity and transparency with regard to the Procedures relating to the processing of Maturity Presentments and Reorganizations Presentments, DTC believes that the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions consistent with the Act.

(B) Clearing Agency's Statement on Burden on Competition

DTC does not believe that the proposed rule change would have any impact, or impose any burden, on competition. The proposed rule change would merely clarify and provide enhanced transparency with respect to the processing of transactions in MMI Securities by adding text to the Redemptions Service Guide and the Reorganizations Service Guide that is consistent with existing provisions set forth in the Rules and the Settlement Guide, as described above.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to this proposed rule change have not been solicited or received. DTC will notify the Commission of any written comments received by DTC.

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) of the Act [21] and paragraph (f) of Rule 19b–4 thereunder.[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 necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change 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–DTC–2018–003 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–DTC–2018–003. 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

[17] *See supra* note 12.

[18] *See supra* note 13.

[19] *See supra* note 16.

[20] 15 U.S.C. 78q–1(b)(3)(F).

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f).

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 DTC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–DTC–2018–003 and should be submitted on or before May 14, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–08355 Filed 4–20–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 17g–3; SEC File No. 270–565, OMB Control No. 3235–0626

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17g–3 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).[1]

Rule 17g–3 contains certain reporting requirements for NRSROs including financial statements and information concerning its financial condition that the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. Currently, there are 10 credit rating agencies registered as NRSROs with the Commission. The Commission estimates that the total burden for respondents to comply with Rule 17g–3 is 3,650 hours.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

Background documentation for this information collection may be viewed at the following website: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F St. NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: April 17, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–08399 Filed 4–20–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 17f–6; SEC File No. 270–392, OMB Control No. 3235–0447

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17f–6 (17 CFR 270.17f–6) under the Investment Company Act of 1940 (15 U.S.C. 80a) permits registered investment companies (''funds'') to maintain assets (*i.e.,* margin) with futures commission merchants (''FCMs'') in connection with commodity transactions effected on both domestic and foreign exchanges. Prior to the rule's adoption, funds generally were required to maintain these assets in special accounts with a custodian bank.

The rule requires a written contract that contains certain provisions designed to ensure important safeguards and other benefits relating to the custody of fund assets by FCMs. To protect fund assets, the contract must require that FCMs comply with the segregation or secured amount requirements of the Commodity Exchange Act (''CEA'') and the rules under that statute. The contract also must contain a requirement that FCMs obtain an acknowledgment from any clearing organization that the fund's assets are held on behalf of the FCM's customers according to CEA provisions.

Because rule 17f–6 does not impose any ongoing obligations on funds or FCMs, Commission staff estimates there are no costs related to *existing* contracts between funds and FCMs. This estimate does not include the time required by an FCM to comply with the rule's contract requirements because, to the extent that complying with the contract provisions could be considered ''collections of information,'' the burden hours for compliance are already included in other PRA submissions.[1]

Thus, Commission staff estimates that any burden of the rule would be borne by funds and FCMs entering into *new* contracts pursuant to the rule. Commission staff estimates that approximately 214 fund complexes and 2,825 funds currently effect commodities transactions and could deposit margin with FCMs in connection with those transactions pursuant to rule 17f–6.[2] Staff further

[23] 17 CFR 200.30–3(a)(12).

[1] *See* 17 CFR 240.17g–1 and 17 CFR 249b.300.

[1] The rule requires a contract with the FCM to contain two provisions requiring the FCM to comply with existing requirements under the CEA and rules adopted thereunder. Thus, to the extent these provisions could be considered collections of information, the hours required for compliance would be included in the collection of information burden hours submitted by the CFTC for its rules.

[2] This estimate is based on the number of funds that reported on Form N–SAR from June 1, 2017–November 30, 2017, in response to sub-items E

estimates that of this number, 21 fund complexes and 283 funds enter into new contracts with FCMs each year.[3]

Based on conversations with fund representatives, Commission staff understands that fund complexes typically enter into contracts with FCMs on behalf of all funds in the fund complex that engage in commodities transactions. Funds covered by the contract are typically listed in an attachment, which may be amended to encompass new funds. Commission staff estimates that the burden for a fund complex to enter into a contract with an FCM that contains the contract requirements of rule 17f–6 is one hour, and further estimates that the burden to add a fund to an existing contract between a fund complex and an FCM is 6 minutes.

Accordingly, Commission staff estimates that funds and FCMs spend 49 burden hours annually complying with the information collection requirements of rule 17f–6.[4] These estimates are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Compliance with the collection of information requirements of the rule is necessary to obtain the benefit of relying on the rule. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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. Consideration will be given to comments and suggestions submitted in writing within 60 days after this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 18, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–08400 Filed 4–20–18; 8:45 am]

BILLING CODE 8011–01–P

through I of item 70, that they engaged in futures and commodity options transactions.

[3] These estimates are based on the assumption that 10% of fund complexes and funds enter into new FCM contracts each year. This assumption encompasses fund complexes and funds that enter into FCM contracts for the first time, as well as fund complexes and fund that change the FCM with whom they maintain margin accounts for commodities transactions.

[4] This estimate is based upon the following calculation: (21 fund complexes × 1 hour) + (283 funds × 0.1 hours) = 49 hours.

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 15g–5, SEC File No. 270–348, OMB Control No. 3235–0394

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 15g–5—Disclosure of Compensation to Associated Persons in Connection with Penny Stock Transactions—(17 CFR 240.15g–5) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 15g–5 requires brokers and dealers to disclose to customers the amount of compensation to be received by their sales agents in connection with penny stock transactions. The purpose of the rule is to increase the level of disclosure to investors concerning penny stocks generally and specific penny stock transactions.

The Commission estimates that approximately 195 broker-dealers will spend an average of 87 hours annually to comply with the rule. Thus, the total compliance burden is approximately 16,965 burden-hours per year.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549 or send an email to *PRA_Mailbox@sec.gov.*

Dated: April 17, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–08401 Filed 4–20–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 15g–6, SEC File No. 270–349, OMB Control No. 3235–0395

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 15g–6—Account Statements for Penny Stock Customers—(17 CFR 240.15g–6) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 15g–6 requires brokers and dealers that sell penny stocks to provide their customers monthly account statements containing information with regard to the penny stocks held in customer accounts. The purpose of the rule is to increase the level of disclosure to investors concerning penny stocks

generally and specific penny stock transactions.

The Commission estimates that approximately 195 broker-dealers will spend an average of 78 hours annually to comply with this rule. Thus, the total compliance burden is approximately 15,210 burden-hours per year.

Written 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 estimates of the burden 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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

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.

Please direct your written comments to: Pamela Dyson, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549 or send an email to *PRA_Mailbox@sec.gov.*

Dated: April 18, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–08398 Filed 4–20–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83059; File No. SR–BX–2018–013]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Delete Duplicative Rules Related to the Consolidated Audit Trail From Its Rulebook

April 17, 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 5, 2018, Nasdaq BX, Inc. (''BX'' 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 delete the rules related to the Consolidated Audit Trail (''CAT Rules'') currently under Chapter IX, Sections 8 and 9 of BX's Options Rules, as further described below.

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 delete the CAT Rules currently under BX's Options Rules, Chapter IX, Sections 8 and 9 because these rules are already located in General 7, entitled ''Consolidated Audit Trail Compliance,'' under the ''General Equity and Options Rules'' in the Exchange's rulebook's shell structure.[3] Given that the CAT Rules contained in General 7 are non-product specific and are identical to the CAT Rules in BX's Options Rules,[4] the Exchange proposes to delete the duplicative rules in BX's Options Rules as market participants transacting on the Exchange's equity and options markets are already governed by the CAT Rules in General 7.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest by removing the duplicative CAT Rules from BX's Options Rules. As discussed above, Exchange members are already governed by the CAT Rules in General 7 of the rulebook's shell structure. The Exchange believes that the proposed changes will make the Exchange's rulebook easier to read and eliminate any potential confusion to the benefit of its members and investors.

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 proposed changes as discussed above do not impose a burden on competition because they are non-substantive and are intended to clarify the Exchange's rulebook in order to eliminate any potential confusion.

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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange added a shell structure to its rulebook with the purpose of improving efficiency and readability and to align its rules closer to those of its five sister exchanges: The Nasdaq Stock Market LLC; Nasdaq PHLX LLC; Nasdaq ISE, LLC; Nasdaq GEMX, LLC; and Nasdaq MRX, LLC (''Affiliated Exchanges''). *See* Securities Exchange Act Release No. 82174 (November 29, 2017), 82 FR 57492 (December 5, 2017) (SR–BX–2017–054).

[4] As part of its continued effort to promote efficiency and conformity of its rules with those of the Affiliated Exchanges, the Exchange recently relocated the CAT Rules previously under the 6800 Series of BX's Equity Rules to General 7 because the CAT Rules apply across all markets and to all products. *See* Securities Exchange Act Release No. 82597 (January 30, 2018), 83 FR 4942 (February 2, 2018) (SR–BX–2018–007).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

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 [7] and subparagraph (f)(6) of Rule 19b–4 thereunder.[8]

A proposed rule change filed under Rule 19b–4(f)(6) [9] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission to waive the 30-day operative delay so that the proposal will become operative upon filing. The Exchange stated that removing the duplicative CAT Rules, as discussed above, will bring greater clarity to its rulebook and will eliminate any potential confusion to the benefit of its members and investors. Therefore, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change as operative upon filing.[11]

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–2018–013 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–2018–013. 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–2018–013 and should be submitted on or before May 14, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–08356 Filed 4–20–18; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 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.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] 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).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 23c–1, SEC File No. 270–253, OMB Control No. 3235–0260

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l-3520), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 23c–1(a) under the Investment Company Act (17 CFR 270.23c–1(a)) permits a closed-end fund to repurchase its securities for cash if, in addition to the other requirements set forth in the rule, the following conditions are met: (i) Payment of the purchase price is accompanied or preceded by a written confirmation of the purchase (''written confirmation''); (ii) the asset coverage per unit of the security to be purchased is disclosed to the seller or his agent (''asset coverage disclosure''); and (iii) if the security is a stock, the fund has, within the preceding six months, informed stockholders of its intention to purchase stock (''six month notice''). Commission staff estimates that 91 closed-end funds undertake a total of 364 repurchases annually under rule 23c–1.[1] Staff estimates further that, with respect to each repurchase, each fund spends 2.5 hours to comply with the rule's written confirmation, asset coverage disclosure and six month notice requirements. Thus, Commission staff estimates the total annual respondent reporting burden is 910

[1] The number of closed-end funds that undertake repurchases annually under rule 23c–1 is based on information provided in response to Item 9 of Form N–CSR from January 1, 2017 through December 31, 2017. Although 136 closed-end funds made disclosures regarding ''publicly announced'' repurchase plans in response to Item 9, not all repurchases are made pursuant to rule 23c–1. We estimate that approximately 30% of such closed-end funds have not made repurchases pursuant to rule 23c–1. Therefore, our estimate does not include all 136 funds that made disclosures of publicly announced repurchases under Item 9, but only a subset thereof (91 funds). We also estimate that each of the 91 funds undertook an average of 4 repurchases annually (91 funds × 4 repurchases = 364 repurchases annually).

hours.[2] Commission staff further estimates that the cost of the hourly burden per repurchase is $305 (one half hour of a compliance attorney's time at $345 per hour,[3] and two hours of clerical time at $66 per hour[4]). The total annual cost for all funds is estimated to be $111,020.[5]

In addition, the fund must file with the Commission a copy of any written solicitation to purchase securities given by or on behalf of the fund to 10 or more persons. The copy must be filed as an exhibit to Form N–CSR (17 CFR 249.331and 274.128).[6] The burden associated with filing Form N–CSR is addressed in the submission related to that form.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Complying with the collection of information requirements of the rule is mandatory. The filings that the rule requires to be made with the Commission are available to the public. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: April 18, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–08402 Filed 4–20–18; 8:45 am]

BILLING CODE P

[2] This estimate is based on the following calculation: 364 repurchases × 2.5 hours per repurchase = 910 hours.

[3] The $345/hour figure for a compliance attorney is from SIFMA's Management & Professional Earnings in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead (includes a CPI inflation adjustment from the 2013 estimate).

[4] The $66/hour figure for a compliance clerk is from SIFMA's Office Salaries in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead (includes a CPI inflation adjustment from the 2013 estimate).

[5] This estimate is based on the following calculation: 364 repurchases × $305 per repurchase = $111,020.

[6] In addition, Item 9 of Form N–CSR requires closed-end funds to disclose information similar to the information that was required in Form N–23C–1, which was discontinued in 2004.

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, as amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 02/72–0557 issued to Mercury Capital, L.P. said license is hereby declared null and void.

Dated: April 13, 2018.

United States Small Business Administration.

Michele Schimpp,

Deputy Associate Administrator, Office of Investment and Innovation.

[FR Doc. 2018–08415 Filed 4–20–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, as amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 01/01–0396 issued to Seacoast Capital Partners II, L.P., said license is hereby declared null and void.

Dated: April 5, 2018.

United States Small Business Administration.

A. Joseph Shepard,

Associate Administrator for Investment and Innovation.

[FR Doc. 2018–08417 Filed 4–20–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 10387]

60-Day Notice of Proposed Information Collection: Electronic Choice of Address and Agent

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to June 22, 2018.

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

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov*. You can search for the document by entering ''Docket Number: DOS–2018–0015'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: PRA_BurdenComments@state.gov*.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Electronic Choice of Address and Agent.
- *OMB Control Number:* 1405–0186.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* CA/VO/L/R.
- *Form Number:* DS–261.
- *Respondents:* Beneficiaries of approved immigrant visa petitions.
- *Estimated Number of Respondents:* 300,000.
- *Estimated Number of Responses:* 300,000.
- *Average Time per Response:* 10 minutes.
- *Total Estimated Burden Time:* 50,000 hours.

• *Frequency:* On Occasion.
• *Obligation To Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
• Enhance the quality, utility, and clarity of the information to be collected.
• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The DS–261 allows the beneficiary of an approved and current immigrant visa petition to provide the Department with his or her current address, which will be used for communications with the beneficiary. The DS–261 also allows the beneficiary to appoint an agent to receive mailings from the National Visa Center (NVC) and assist in the filing of various application forms and/or paying the required fees. The beneficiary is not required to appoint an agent but must provide current contact information. All cases will be held at NVC until the DS–261 is electronically submitted to the Department.

Methodology

Applicants will complete the form online and submit it electronically to the Department.

Edward J Ramotowski,

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2018–08380 Filed 4–20–18; 8:45 am]

BILLING CODE 4710–06–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1262X]

Alliance Terminal Railroad, LLC—Discontinuance of Service and Discontinuance of Trackage Rights Exemption—in Denton and Tarrant Counties, Texas

Alliance Terminal Railroad, LLC (ATR) has filed a verified notice of exemption under 49 CFR 1152 subpart F–*Exempt Abandonments and Discontinuances of Service* to discontinue service and trackage rights over approximately 23.9 miles of rail line in Denton and Tarrant Counties, Tex. (the Line). Specifically, ATR is seeking to discontinue (a) service over approximately 12.9 miles of subleased track that is owned by BNSF Railway Company (BNSF) and was previously leased to Quality Terminal Services LLC, a non-carrier corporate affiliate of ATR, in Haslet, Tex.,[1] and (b) an additional 11 miles of incidental, overhead trackage rights over BNSF Main Line #2 in Haslet and Saginaw, Tex., splitting from BNSF Main Line #1 at milepost 359.0 and rejoining BNSF Main Line #1 at milepost 370.0. The Line traverses United States Postal Service Zip Codes 76052 and 76247.

ATR has certified that: (1) It has handled no local or overhead traffic over the Line for at least two years; (2) any overhead traffic on the Line can be rerouted over other lines; (3) no formal complaint filed by a user of a rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is pending either with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.12 (newspaper publication) and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

The verified notice states that the Line ''constitutes the entirety of ATR's past operations.'' Where, as here, the carrier is discontinuing service over its entire system, the Board does not normally impose labor protection under 49 U.S.C. 10502(g), unless the evidence indicates the existence of: (1) A corporate affiliate that will continue substantially similar rail operations; or (2) a corporate parent that will realize substantial financial benefits over and above relief from the burden of deficit operations by its subsidiary railroad. *See Honey Creek R.R.—Aban. Exemption—in Henry Cty., Ind.,* AB 865X (STB served Aug. 20, 2004); *Wellsville, Addison & Galeton R.R.—Aban.,* 354 I.C.C. 744 (1978); and *Northampton & Bath R.R.—Aban.,* 354 I.C.C. 784 (1978). According to ATR, after discontinuance no corporate affiliate of ATR will continue similar operations, nor will ATR's parent company realize substantial financial benefits over and above relief from a common carrier obligation over a line that ATR has not operated over in more than two years. Therefore, employee protection conditions will not be imposed.

Provided no formal expression of intent to file an offer of financial assistance (OFA)[2] to subsidize continued rail service has been received, this exemption will be effective May 23, 2018,[3] unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2)[4] must be filed by May 3, 2018.[5] Petitions for reconsideration must be filed by May 14, 2018, with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001.

A copy of any petition filed with Board should be sent to ATR's representative, Bradon J. Smith, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Board decisions and notices are available on our website at ''*WWW.STB.GOV.*''

Decided: April 18, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2018–08420 Filed 4–20–18; 8:45 am]

BILLING CODE 4915–01–P

[1] ATR states that the subleased track lies adjacent to BNSF Main Line #2 and that there are no mileposts associated with the subleased track or BNSF Main Line #2. ATR further states that the subleased track lies approximately between milepost 362.2 and milepost 365.0 on BNSF Main Line #1.

[2] The Board modified its OFA procedures effective July 29, 2017. Among other things, the OFA process now requires potential offerors, in their formal expression of intent, to make a preliminary financial responsibility showing based on a calculation using information contained in the carrier's filing and publicly available information. *See Offers of Financial Assistance,* EP 729 (STB served June 29, 2017); 82 FR 30,997 (July 5, 2017).

[3] ATR initially filed its verified notice of exemption on March 12, 2018. ATR supplemented its notice on March 22, 2018 and April 3, 2018. Therefore, April 3 will be considered the official filing date.

[4] Each OFA must be accompanied by the filing fee, which currently is set at $1,800. *See Regulations Governing Fees for Servs. Performed in Connection with Licensing & Related Servs.—2017 Update,* EP 542 (Sub-No. 25) (STB served July 28, 2017).

[5] Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Because there will be an environmental review during abandonment, this discontinuance does not require environmental review.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2018–0027]

Agency Information Collection Activities: Request for Comments for the Renewal of a Previously Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that FHWA will submit the collection of information described below to the Office of Management and Budget (OMB) for review and comment. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 6, 2017. The PRA submission describes the nature of the information collection and its expected cost and burden.

DATES: Please submit comments by May 23, 2018.

ADDRESSES: You may submit comments identified by DOT Docket ID 2018–0027 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jeff Purdy, 202–366–6993, Office of Freight Management & Operations (HOFM–1), Office of Operations, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue Southeast, Washington, DC 20590. Office hours are from 7:30 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: USDOT Survey and Comparative Assessment of Truck Parking Facilities.

Background: U.S. Department of Transportation (USDOT) is directed to complete a survey and comparative assessment of truck parking facilities in each State as required by Section 1401(c) of *Moving Ahead for Progress in the 21st Century* (MAP–21). MAP–21 Section 1401(c) required the survey in order to evaluate the capability of the States to provide adequate parking and rest facilities for commercial motor vehicles engaged in interstate transportation. Other work activities required under this section of MAP–21 were: An assessment of the volume of commercial motor vehicle traffic in each State and the development of a system of metrics designed to measure the adequacy of commercial motor vehicle truck parking facilities in each state. A survey was conducted in 2014 and is available at: *https://ops.fhwa.dot.gov/freight/infrastructure/truck_parking/jasons_law/truckparkingsurvey/index.htm.* MAP–21 Section 1401(c)(3) called for periodic updates to the survey, which is the intent of the proposed updated survey. The results of this updated survey shall be made available on a publicly accessible Department of Transportation website and updated periodically USDOT seeks to continue to collect data to support updates to the survey.

Respondents: State Transportation and Enforcement Officials, Private Sector Facility Owners/Operators, Trucking Company owners or their designee, and Truck Drivers. The target groups of respondents are individuals who are responsible for providing or overseeing the operation of truck parking facilities and stakeholders that depend on such facilities to safely conduct their business. The target group identified in the legislation is ''state commercial vehicle safety personnel;'' the Federal Highway Administration (FHWA) has interpreted this term to include the Department of Transportation personnel in each State involved in commercial vehicle safety program activities and State enforcement agency personnel directly involved in enforcing highway safety laws and regulations and in highway incident and accident response. In addition, FHWA finds that the survey on the adequacy of truck parking opportunities is not limited to publicly owned facilities; input from private sector facility owners/operators must be obtained to adequately complete the required work provided in the federal legislation. FHWA also finds that input obtained from trucking company representatives (owners or their designees, especially those in logistics or who schedule drivers) and truck drivers, key stakeholders for truck parking facilities who are most likely to know where truck parking is needed, will be necessary to complete the survey requirements. As per MAP–21 Section 1401(c)(3), this survey will be conducted periodically to allow for required updates.

Types of Survey Questions: FHWA intends to survey Department of Transportation personnel in each State on the location, number of spaces, availability and demand for truck parking in their State, including at rest facilities, truck parking information systems, truck parking plans, as well as any impediments to providing adequate truck parking capacity (including but not limited to legislative, regulatory, or financial issues; zoning; public and private impacts, approval, and participation; availability of land; insurance requirements and other issues). FHWA intends to survey private truck stop operators in each State on the location, number of truck parking spaces, availability and demand they observe at their facilities. FHWA intends to survey public safety officials in each State on their records and observations of truck parking use and patterns, including the location and frequency of trucks parked adjacent to roadways and on exit and entrance ramps to roadway facilities. FHWA intends to survey trucking companies and truck drivers regarding the location and frequency of insufficient truck parking and capacity at rest facilities, future truck parking needs and locations, availability of information on truck parking capacity, and other impediments to identification, access and use of truck parking. Other questions may be included as needed as a result of input from the focus groups, stakeholder outreach or at FHWA's discretion, or as follow-up to the survey.

Estimate:

State Departments of Transportation = 50 (4 hours each) = up to 200 hours;

State Enforcement Personnel = 50 (1 hour each) = up to 50 hours;

Private Facility Owners/Operators = 229 (1 hour each) = up to 229 hours; and

Trucking Company Representatives and Drivers = 150 (1 hour each) = up to 150 hours;

Total number of respondents = 479 for the survey.

Total burden hours = no more than 629 hours (as allocated above).

Estimated Total Annual Burden: This survey will be updated periodically; the estimated total burden for each survey cycle for all respondents is no more than 629 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1)

Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: April 17, 2018.

Michael Howell,

Information Collection Officer .

[FR Doc. 2018–08394 Filed 4–20–18; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2018–0037; Notice No. 1]
[Draft Safety Advisory 2018–01]

Draft Safety Advisory Related to Temporary Signal Suspensions

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT)

ACTION: Notice of draft Safety Advisory; request for comment.

SUMMARY: This document provides notice of FRA's intent to issue a Safety Advisory addressing railroad operations under temporary signal suspensions. The Safety Advisory would identify existing industry best practices railroads utilize when implementing temporary signal suspensions and would recommend that railroads conducting rail operations under temporary signal suspensions develop and implement procedures and practices consistent with the identified best practices. The Safety Advisory would also recommend that railroads take certain other actions to ensure the safety of railroad operations during temporary signal suspensions. FRA believes that actions consistent with the draft Safety Advisory will reduce the risk of serious injury or death both to railroad employees and members of the public. FRA invites public comment on all aspects of the draft Safety Advisory.

DATES: Interested persons are invited to submit comments on the draft Safety Advisory provided below on or before June 22, 2018.

ADDRESSES: Comments in response to this notice may be submitted by any of the following methods:

- *Website:* The Federal eRulemaking Portal, *www.Regulations.gov*. Follow the website's online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140 on the Ground level of the West Building, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name, docket name, and docket number for this notice, Docket No. FRA–2018–0037; Notice No. 1. Note that all comments received will be posted without change to *http://www.Regulations.gov*, including any personal information provided. Please see the Privacy Act Statement in this document.

FOR FURTHER INFORMATION CONTACT: Douglas Taylor, Staff Director, Operating Practices, Office of Railroad Safety, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone (202) 493–6255; or Carolyn Hayward-Williams, Staff Director, Signal & Train Control Division, Office of Railroad Safety, FRA, 1200 New Jersey Avenue SE, Washington, DC 20590, telephone (202) 493–6399.

SUPPLEMENTARY INFORMATION:

Draft Safety Advisory

A review of FRA's accident/incident data shows that overall, rail transportation, both passenger and freight, is safe. However, recent rail accidents occurring in areas where a railroad has temporarily suspended the signal system, typically for purposes of maintenance, repair, or installation of additional components for a new or existing system, demonstrate that rail operations during the signal suspension present increased safety risks. Further, these accidents show that if the increased risks associated with rail operations under a temporary signal suspension are not addressed, serious unsafe conditions and practices are introduced into rail transportation.

Most recently, on February 4, 2018, both the engineer and conductor of National Railroad Passenger Corporation (Amtrak) Train P09103 were killed and 115 passengers injured,[1] when their train collided head-on with a CSX Transportation, Inc. freight train (Train F77703). The collision occurred at approximately 2:27 a.m. in Cayce, South Carolina when the Amtrak train, traveling south from New York City, New York, to Miami, Florida, and operating on a track warrant, was diverted from the main track through a misaligned switch. The misaligned switch sent the Amtrak train into the siding where the CSX train was parked, resulting in a head-on collision with an impact speed of 50 miles per hour (mph). The lead locomotive and six of the seven cars in the Amtrak train derailed. At the time of the accident, eight Amtrak crew members and 139 passengers were on board the train.

While the cause of the February 4, 2018, accident has not yet been determined, FRA's preliminary investigation indicates that despite the CSX train crew reporting to the train dispatcher that the switch was lined correctly, the crew did not restore the main track switch to its normal position as required by Federal regulation (49 CFR 218.105) and CSX's own operating rules. Instead, it appears the crew left the switch misaligned in the reverse position (*i.e.,* lined for the siding, not the main line). Amtrak Train P09103 was the next train to traverse this location. The misaligned switch diverted the Amtrak train into the siding and into the standing CSX train parked on the siding. Notably, CSX signal personnel had suspended the signal system for the area where the accident occurred to upgrade the system with positive train control (PTC) technology.[2] Signal personnel had stopped working for the day at the time of the accident, yet the temporary signal suspension remained in place.

The National Transportation Safety Board (NTSB) is investigating this accident under its legal authority. 49 U.S.C. 1101 *et seq.;* 49 CFR 831.2(b). As is customary, FRA is participating in the NTSB's investigation and is also investigating the accident under its own authority. 49 U.S.C. 20902; 49 CFR 1.89(a). While NTSB has not yet issued any formal findings, on February 13, 2018, NTSB issued a Safety Recommendation Report [3] regarding

[1] Including 92 individuals who were transported to medical facilities for treatment and 23 people who received first aid at a triage area established near the accident site.

[2] PTC is a system designed to prevent train-to-train collisions, overspeed derailments, incursions into established work zone limits, and the movement of a train through a switch left in the wrong position, as described in subpart I of 49 CFR part 236 and 49 U.S.C. 20157(i)(5).

[3] NTSB, Safety Recommendation Report: Train Operation During Signal Suspension, Report No. RSR–18/01, Recommendation No. R–18–005 (Feb.

Continued

train operations during signal suspensions to FRA. In its report, NTSB recommended that FRA issue an emergency order directing railroads to require train crews to approach switches at restricted speed when signal suspensions are in effect and a switch has been reported relined for a main track. NTSB further recommended that after the switch position is verified, train crews should be required to report to the dispatcher that the switch is correctly lined for the main track before subsequent trains are permitted to operate at maximum-authorized speed. FRA is issuing this draft Safety Advisory consistent with the NTSB's recommendation. Issuance of a Safety Advisory allows FRA to make all railroads aware of both the safety concerns identified and information and practices that specifically address the issues raised. Moreover, issuance of a Safety Advisory provides all railroads the flexibility to review and revise their existing operating rules and practices as necessary to ensure the safety of their rail operations, without imposing rigid, and inherently limited, new requirements on the industry.

As noted in the NTSB Report, a similar accident occurred on March 14, 2016, near Granger, Wyoming, when at 9:41 p.m., a westbound Union Pacific Railroad (UP) freight train (Train KG1LAC–13) traveled from the main track through a switch into a controlled siding and collided head-on with a standing eastbound UP freight train (Train LCK41–14). The collision occurred at a recorded speed of 30 mph and the engineer of the striking train sustained minor injuries. Similar to the recent accident in Cayce, South Carolina, at the time of this 2016 accident, UP was installing and testing PTC technology on the main track. While this work was in progress, UP suspended the signals in the area and established absolute blocks intended to provide for the safe movement of trains through the area without signals. NTSB determined the probable cause of the accident was the employee-in-charge incorrectly using information from a conversation with the train dispatcher as authorization to send a train into the area where the signal system suspension was in effect. The NTSB also found that a contributing factor was the involved conductor pilot's failure to check the switch position before authorizing the train to enter the area.

The trains involved in both the Cayce, South Carolina, and Granger, Wyoming, accidents were operating under temporary signal suspensions where the signal systems that would normally govern operations through the areas were suspended as the railroads installed additional components to comply with the statutory mandate to implement a PTC system.

FRA realizes that railroads suspend signal systems for a variety of reasons, including for example, maintenance or repair purposes, to install a new system, or to add additional components to an existing system. Although temporary signal suspensions are necessarily common occurrences, rail operations under signal suspensions should be rare and appropriately limited. FRA believes that, as exemplified by the accidents described above, rail operations under the temporary loss of protections provided by an existing signal system have a high potential of introducing new safety risks and amplify the safety risks encountered because railroad employees accustomed to the safety an existing signal system provides must operate in an environment they may not encounter on a regular basis. Indeed, a temporary signal suspension requires operating employees to immediately apply operating rules and practices different than those to which they are accustomed. Because a person's routine may include learned habits that are difficult to set aside when a temporary condition is imposed, operating employees may also need specialized instruction on the applicable rules and practices. Such risks must be addressed to provide for the safety of train operations during the loss of protection afforded by the signal system. Moreover, if a railroad elects to operate trains in signal suspension territory, the scope of the signal suspension should be limited in both geographic area and duration and rail operations through or within the territory should be limited.

Federal regulations do not prohibit railroads from temporarily suspending existing signal systems for purposes of performing maintenance, upgrades, repairs, or implementing PTC technology. However, FRA regulations in 49 CFR part 235 require railroads to apply for FRA approval for certain discontinuances and modifications of signal systems. Specifically, FRA's regulations provide for both a formal approval process in 49 CFR 235.5 for a variety of signal system changes and also an expedited approval process in 49 CFR 235.6 for modifications directly associated with the implementation of a PTC system. Although the safety of railroad operations during temporary signal suspensions may be addressed under these approval processes, part 235 also excludes various signal system changes from FRA approval (49 CFR 235.7).

FRA's regulations also require individual railroads to adopt and comply with operating rules addressing the operation of hand-operated main track switches. *See* 49 CFR 218.105. Specifically, § 218.105 requires railroads to designate in writing the normal position of hand-operated main track switches and, with limited exceptions, requires those switches to be lined and locked in the designated position when not in use. That same section requires employees to conduct a job briefing before leaving a location where any hand-operated main track switch was operated and all crewmembers to communicate to confirm the position of the switch. Further, § 218.105 generally requires an employee releasing the limits of a main track authority in non-signaled territory (including an area under temporary signal suspension) where a hand-operated switch is used to clear the main track to report to the train dispatcher that the hand-operated main track switch has been restored to its normal position and locked, prior to departing the switch's location and after conducting the required job briefing. Upon the employee's report, § 218.105 requires the train dispatcher to repeat the reported switch position information to the employee releasing the limits and requires the employee releasing the limits to confirm to the train dispatcher that the information is correct.

In addition to these regulatory requirements, virtually all railroads have adopted additional operational protections to ensure the safety of rail operations when an existing signal system is temporarily suspended. FRA reviewed the current operating practices of several railroads and engaged in discussions with these railroads to identify the industry's best safety practices related to temporary suspension of an existing signal system. As a result of this outreach, FRA believes that certain operational safeguards railroads already undertake constitute the best practices within the industry when temporarily suspending a signal system. These best practices, include:

- Take all practical measures to ensure sufficient personnel are present to continue signal work until the system is restored to proper operation. If sufficient personnel are not present, the signal suspension should be terminated until such time as sufficient personnel are on hand.
- If a railroad elects to allow train traffic through suspension limits:

13, 2018), *https://www.ntsb.gov/investigations/AccidentReports/Reports/RSR1801.pdf* (NTSB Report).

○ Establish the smallest limits possible for the signal suspension (if possible, no more than three (3) control points or use phased limits to allow restoration of the signal system as work is completed);

○ Minimize the duration of the signal suspension to the shortest time period possible (if possible, no more than twelve (12) hours); and

○ Take all practical measures to ensure only through traffic is allowed to operate within the limits (avoiding any train meets or any moves requiring the manipulation of switches within the suspension limits).

• If any switches within the suspension limits are manipulated, consistent with 49 CFR 218.105(d), establish an effective means of verifying that all switches have been returned to the proper position prior to any train traffic operating through the limits. (For example, require spiking or clamping of switches followed by locking for through movement after use; utilize a signal employee to tend the switch and to establish agreement between assigned crewmembers and the switch tender that the switch is properly lined; and/or require the first train through the limits after the manipulation of any switch to operate at restricted speed).

Recommendations: Considering the accidents discussed above, and to ensure the safety of the Nation's railroads, their employees, and the public, FRA recommends that railroads take actions consistent with the following:

1. Develop and implement procedures and practices consistent with the industry best practices discussed above for rail operations conducted under temporary signal suspensions.

2. Inform employees of the circumstances surrounding the February 4, 2018, accident in Cayce, South Carolina, and the March 14, 2016, accident near Granger, Wyoming, discussed above, emphasizing the potential consequences of misaligned switches and the relevant Federal regulations and railroad operating rules intended to prevent such accidents.

3. Review, and as appropriate, revise all operating rules related to operating hand-operated main track switches (including operating rules required by 49 CFR 218.105(d)), to enhance them to ensure (a) train crews and others restore switches to their normal position after use, and (b) the position of switches are clearly communicated to train control employees and/or dispatcher(s) responsible for the movement of trains through the area where the signal system is temporarily suspended. In doing so, railroads should pay particular attention to those main track switches where employees report clear of the main track to the train dispatcher.

4. Increase supervisory operational oversight and conduct operational testing on the applicable operating rules pertaining to the operation of hand-operated main track switches. This should include face-to-face initial job briefings with all train and engine (T&E) crews that will operate in any area where the signal system will be temporarily suspended.

5. Enhance instruction on the relevant operating rules concerning the operation of hand-operated main track switches in non-signaled areas, including the operating rules required by 49 CFR 218.105(d) during both initial and periodic instruction required by 49 CFR 217.11. In doing so, railroads should emphasize the applicability of the rules to area(s) where the signal system is temporarily suspended and the need to ensure and verify that all hand-operated main track switches manipulated within any suspension limits have been returned to the proper position prior to operating any trains through the limits.

6. Stress to T&E employees the importance of thorough and accurate job briefings when operating hand-operated main track switches, particularly in areas where the signal system is temporarily suspended, and specifically when releasing main track authority. Ensure adequate processes and procedures are in place enabling clear and timely communication of switch positions between and among all dispatching, T&E, and train control employees responsible for operating, performing work, or authorizing trains to operate through areas where the signal system is temporarily suspended, including processes and procedures for communicating switch position information during shift handovers. Encourage employees, in case of any doubt or uncertainty regarding the position of such switches, to immediately contact the train dispatcher or take other appropriate action to confirm the position of the switch prior to authorizing a train to operate through the limits of the area.

FRA requests public comment on all aspects of this draft Safety Advisory.

Privacy Act Statement: Anyone can search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit *http://www.regulations.gov/#!privacyNotice.*

Issued in Washington, DC, on April 18, 2018.

Ronald Louis Batory,

Administrator.

[FR Doc. 2018–08406 Filed 4–20–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2018–0008]

Pipeline Safety: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: On February 12, 2018, in accordance with the Paperwork Reduction Act of 1995, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a notice in the **Federal Register** (83 FR 6088) inviting comments on the information collection identified by OMB control number 2137–0049 that expires on April 30, 2018. PHMSA is requesting an extension with no change for this information collection.

During the public comment period, PHMSA received no comments in response to the information collection. PHMSA received six comments that did not pertain to the information collection request. PHMSA is publishing this notice to provide the public with an additional 30 days to comment on the renewal of the information collection referenced above and to announce that the Information Collection Request will be submitted to OMB for approval.

DATES: Interested persons are invited to submit comments on or before May 23, 2018 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Angela Dow by telephone at 202–366–1246, by email at *angela.dow@dot.gov,* by fax at 202–366–4566, or by mail at U.S. Department of Transportation, PHMSA, 1200 New Jersey Avenue SE, PHP–30, Washington, DC 20590–0001.

ADDRESSES: You may submit comments identified by the docket number PHMSA–2018–0008 by any of the following methods:

• *Fax:* 1–202–395–5806.

• *Mail:* Office of Information and Regulatory Affairs, Records Management Center, Room 10102 NEOB, 725 17th Street NW, Washington, DC 20503, ATTN: Desk

Officer for the U.S. Department of Transportation\PHMSA.

• *Email:* Office of Information and Regulatory Affairs, OMB, at the following email address: *OIRA_Submission@omb.eop.gov.*

Requests for a copy of the Information Collection should be directed to Angela Dow by telephone at 202–366–1246, by fax at 202–366–4566, by email at *angela.dow@dot.gov,* or by mail at U.S. Department of Transportation, PHMSA, 1200 New Jersey Avenue SE, PHP–30, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: Section 1320.8(d), Title 5, Code of Federal Regulations, requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies an information collection request that PHMSA will submit to OMB for renewal. The following information is provided for this information collection: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection. PHMSA will request a three-year term of approval for this information collection activity. PHMSA requests comments on the following information collection:

1. Title: Recordkeeping Requirements for Gas Pipeline Operators.

OMB Control Number: 2137–0049.

Current Expiration Date: 4/30/2018.

Type of Request: Renewal of a currently approved information collection.

Abstract: A person owning or operating a natural gas pipeline facility is required to maintain records, make reports, and provide information to the Secretary of Transportation at the Secretary's request.

Affected Public: Owners and Operators of natural gas pipeline facilities.

Annual Reporting and Recordkeeping Burden:

Estimated number of responses: 12,300.

Estimated annual burden hours: 940,454.

Frequency of collection: On occasion.

Comments are invited on:

(a) The need for the renewal of this collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Issued in Washington, DC, on April 17, 2018, under authority delegated in 49 CFR 1.97.

John A. Gale,

Director, Standards and Rulemaking Division.

[FR Doc. 2018–08365 Filed 4–20–18; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before May 23, 2018.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington DC or at *http://regulations.gov*.

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 3, 2018.

Donald Burger,

Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
SPECIAL PERMITS DATA			
20618–N	National Aeronautics and Space Administration.	172.400, 172.300, 173.1	To authorize the transportation in commerce of explosives contained in spacecraft by motor vehicle. (mode 1)
20619–N	Globaltech Environmental Corp.		To authorize the manufacture, mark, sale, and use of packagings, intended to contain batteries of mixed chemistries, as not subject to certain hazard communication requirements. (mode 1)
20620–N	Southern States, LLC	173.302(a)	To authorize the manufacture, mark, sale, and use of non-DOT specification pressure receptacles containing sulfur hexafluoride. (mode 1, 2, 3, 4)

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20621–N	Sigma-Aldrich International GM.	173.224(c), 173.225(b), 173.56(b).	To authorize the transportation in commerce of certain quantities of energetic materials that have not previously been classified. (mode 1, 2, 3, 4, 5)
20622–N	Apple Inc	172.101(j), 173.185(a)	To authorize the transportation in commerce of low production lithium ion batteries exceeding 35 kg net weight by cargo-only aircraft. (mode 4)
20623–N	Praxair Distribution, Inc	172.203(a), 180.205(f), 180.205(g), 180.209(a), 180.209(b), 180.209(f), 180.213(f).	To authorize the transportation in commerce of DOT 3AA cylinders that have been requalified using ultrasonic examination every 15 years in lieu of internal inspection and hydrostatic testing every 5 years. (mode 1, 2, 3, 4, 5)
20624–N	Jaguar Land Rover North America, LLC.	172.101(j)	To authorize the transportation in commerce of lithium ion batteries in excess of 35 kg by cargo-only aircraft. (mode 4)
20625–N	LG Chem	172.101(j)	To authorize the transportation in commerce of lithium batteries exceeding 35 kg by cargo-only aircraft. (mode 4)
20626–N	Aerojet Rocketdyne, Inc	172.320(a), 173.51(a), 173.56(b).	To authorize the transportation in commerce of a one-time shipment of Class 1 materials that have not previously been approved. (mode 1)
20628–N	Stanley Black & Decker, Inc	172.704, 172.800, 172.200	To authorize the transportation in commerce of lithium batteries without being subject to shipping papers, training and emergency response information requirements. (mode 1)
20629–N	Spaceflight, Inc	173.185(e)(3)(i), 173.185(e)(3)(ii).	To authorize the transportation in commerce of lithium batteries in alternative packaging. (mode 1)
20630–N	Machine & Welding Supply Company.	180.209(a), 180.209(b), 180.209(b)(1)(iv).	To authorize the transportation in commerce of certain hazardous materials in DOT Specification 3AL cylinders manufactured from aluminum allow 6061–T6 that are requalified every ten years rather than every five years using 100% ultrasound examination. (modes 1, 2)
20631–N	Americase, LLC	172.400, 172.200, 172.300, 173.185(f).	To authorize the transportation in commerce of more than one damaged/defective lithium battery in a single fiberboard outer packaging. (modes 1, 2, 3)
20632–N	Clear View Enterprise LLC	177.834(h)	To authorize the discharge of certain hazardous materials for portable tanks and IBCs without unloading the packages from the vehicle. (mode 1)
20633–N	Spaceflight, Inc	173.185(a)	To authorize the transportation in commerce of low production lithium ion batteries contained in equipment via cargo-only aircraft. (mode 4)

[FR Doc. 2018–08373 Filed 4–20–18; 8:45 am]
BILLING CODE 4909–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of actions on special permit applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

DATES: Comments must be received on or before May 23, 2018.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue SE, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 4, 2018.

Donald Burger,

Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
SPECIAL PERMITS DATA—Granted			
7607–M	THERMO FISHER SCIENTIFIC INC.	172.101(j), 173.306	To modify the special permit to authorize new part numbers and improvements to the cylinders authorized in the permit.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
11352–M	PEPSICO PUERTO RICO, INC.	172.200, 172.300, 172.400, 172.500.	To modify the special permit to authorize an additional 6.1 material.
11536–M	BOEING CO	173.24(g), 173.302(a), 173.304(a), 173.62, 173.185(a), 173.185(b), 173.202, 173.211, 172.101(j), 172.102(c).	To modify the special permit to authorize explosives outside the spacecraft.
14424–M	CHART, INC	172.301(c), 177.834(h)	To modify the special permit to authorize an additional 2.2 material.
14467–M	BRENNER TANK LLC	178.345–2, 178.346–2, 178.347–2, 178.348–2.	To modify the special permit to reflect the 2015 Edition of the ASME Code.
15509–M	VIRGINIA COMMERCIAL SPACE FLIGHT AUTHORITY.	173.301, 173.302a	To modify the special permit to authorize the transportation in commerce of additional hazmat in non-DOT specification cylinders.
15713–M	BULK TANK INTERNATIONAL, S. DE R.L. DE C.V.	178.345–2, 178.346–2, 178.347–2, 178.348–2.	To modify the special permit to authorize Series 400 tanks to be constructed from materials conforming to ASME Code except for design stress margins shall be 4:1.
16163–M	THE DOW CHEMICAL COMPANY.	172.203(a), 172.302(c), 180.605(h), 180.605(h)(3).	To modify the special permit to authorize an additional Division 4.2 material and to authorize pneumatic pressure testing on the authorized tanks.
16598–M	SPACEFLIGHT, INC	173.185(e)(1), 173.185(e)(2) ...	To modify the special permit to authorize different packaging and to remove the one-time transportation limit.
20297–M	CODYSALES, INC	173.302a(b), 172.203(a), 172.301(c), 180.205.	To authorize the addition of Class 5.1 hazmat, to modify testing requirement for cylinders made of 6351 aluminum alloy, to clarify language in paragraph 7.
20421–M	THE PROCTER & GAMBLE COMPANY.	172.400, 172.500, 172.200, 172.300, 174.1, 177.800, 173.304a(a).	To authorize the transportation in commerce of plastic receptacles charged with liquefied gases, or a mixture of a liquefied and compressed gas, and which are exempted from marking, labeling, and shipping papers when shipped by motor vehicle or rail freight.
20503–M	DYNO NOBEL INC	177.835(a), 177.835(c)(3), 177.848(e)(2), 177.848(g)(3).	To modify the special permit to authorize additional packing groups for already authorized hazmat.
20524–N	Wilhelm Schmidt GmbH	172.102(c)(4), 178.705(c)(2)(ii)	To authorize the manufacture, mark, sale, and use of IBCs intended to contain ammonia solutions and dichloromethane.
20546–N	DEPARTMENT OF DEFENSE (MILITARY SURFACE DEPLOYMENT & DISTRIBUTION COMMAND).	173.159(d)	To authorize the transportation in commerce of batteries in metal drums or boxes as strong outer packagings.
20591–N	RAYTHEON MISSILE SYSTEMS CO.	173.301(f), 173.302(a)	To authorize the manufacture, mark, sale and use of non-DOT specification stainless steel cylinders conforming with all the regulations applicable to a DOT 3A specification cylinder except as specified herein, for the transportation of hazardous materials in commerce.
20593–N	TRANSPORT LOGISTICS INTERNATIONAL, INC.	173.420(a)(5)	To authorize the one-time, one-way transportation in commerce of cylinders filled in excess of the authorized filling limits.
20594–N	The Sherwin-Williams Manufacturing Company.	172.400, 172.500, 172.200, 172.300.	To authorize the transportation in commerce of certain hazardous materials without being subject to certain shipping paper, marking, labeling and placarding requirements.
20603–N	FIBA TECHNOLOGIES, INC ..	173.301(f)	To authorize the manufacture, mark, sale and use of cylinders with pressure relief devices meeting the Fourteenth Edition of CGA S–1.1.
20606–N	SPACEFLIGHT, INC	173.185(e)	To authorize the transportation in commerce of lithium batteries contained in a spacecraft which have not been tested by UN 38.3 standards.
20610–N	DEPARTMENT OF DEFENSE (MILITARY SURFACE DEPLOYMENT & DISTRIBUTION COMMAND).	171.25(b)(1), 173.59, 177.835(g), 177.848(f), 177.848(g).	To authorize the transportation in commerce of certain fuzes assigned Compatibility Groups (CG) S and D, on the same motor vehicle with certain Division 1.1, 1.2, 1.3, 1.4, or 1.5 materials.
20617–N	HILLWOOD AIRWAYS, LLC ...	172.101(j), 173.27(b)(2), 175.30(a)(1).	To authorize the transportation in commerce of certain explosives that are forbidden aboard cargo aircraft only.
20627–N	GATEWAY PYROTECHNIC PRODUCTIONS, LLC.	172.400, 172.300, 172.301(c), 173.54, 173.56.	To authorize the one-time, one-way transportation of unappproved fireworks from Louisville, KY to storage in Illiopolis, IL.
SPECIAL PERMITS DATA—Denied			
15634–M	SODASTREAM USA, INC	171.2(k), 172.202(a)(5)(iii)(B) ..	To modify the special permit to authorize a larger discharge cylinder.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
20492–N	EXAL CORPORATION	178.33–7(a), 178.33a–7(a)	To provide an exemption for aerosol cans rated at 2P and 2Q pressure resistance. Exemption to the minimum wall thickness specified for DOT 2P and DOT 2Q containers down to 0.005″ minimum.
		SPECIAL PERMITS DATA—Withdrawn	
16490–M	DEMEX INTERNATIONAL, INC.	176.83, 176.63, 176.116(e), 176.137(a)(7), 176.120, 176.138(b), 176.144(e).	To modify the special permit to authorize the maximum quantity of explosives on a vessel to exceed the port maximum.
20513–N	ROLLING PAPER DEPOT, LLC.	173.308	To authorize the transportation in commerce of lighters by motor vehicle.
20613–N	AVIAKOMPANIYa UKRAINA-AEROALYANS, PrAT.	172.101(j), 172.203(a), 172.301(c), 173.27(b)(2), 175.30(a)(1).	To authorize the transportation in commerce of explosives which are forbidden for air transport by cargo only aircraft.
20614–N	USDA APHIS Veterinary Services.	172.101(i)(3)	To authorize the transportation of depopulated livestock and/or poultry for treatment and disposal.

[FR Doc. 2018–08375 Filed 4–20–18; 8:45 am]
BILLING CODE 4901–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Hazardous Materials: Notice of Applications for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: List of applications for modification of special permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before May 8, 2018.

ADDRESSES: Record Center, Pipeline and Hazardous Materials Safety Administration U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Ryan Paquet, Director, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

SUPPLEMENTARY INFORMATION: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 3, 2018.

Donald Burger,

Chief, General Approvals and Permits Branch.

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
		SPECIAL PERMITS DATA	
8757–M	Special Permits Data Milton Roy, LLC.	173.201(c), 173.202(c), 173.203(c), 173.302a(a)(1), 173.304a(a)(1), 180.205.	To modify the special permit to authorize the addition of welded lower pressure cylinders in addition to the seamless cylinders already authorized. (modes 1, 2, 3, 4)
11526–M	Linde Gas North America LLC	172.203(a), 173.302a(b), 180.205(a), 180.205(c), 180.205(f), 180.205(g), 180.209(a), 180.209(b), 180.209(g).	To modify the special permit to authorize the removal of annual gain linearity requirement, update RIN locations and update the language on area corrosion patch requirement. (modes 1, 2, 3, 4, 5)
12399–M	Linde Gas North America LLC	172.203(a), 172.301(c), 180.205.	To modify the special permit to remove the annual reporting requirement, to adjust the check gain control accuracy requirement from annually to checked for a new Ultrasonic System and to update the language3 on min-wall patch requirements. (modes 1, 2, 3, 4, 5)
12748–M	Lockheed Martin Corporation ..	172.301(a), 173.62, 173.62	To modify the special permit to authorize additional 1.1D explosives. (mode 1)
13208–M	Provensis LTD	172.400, 172.500, 172.200, 173.302a(a)(1).	To modify the special permit to add additional hazmat to bring permit in line with international standards. (modes 1, 2, 3, 4)

Application No.	Applicant	Regulation(s) affected	Nature of the special permits thereof
13208–M	BTG International Limited	172.400, 172.500, 172.200, 173.302a(a)(1).	To modify the special permit to authorize an additional hazmat to bring the permit in line with international regulations. (modes 1, 2, 3, 4)
13250–M	Pacific Consolidated Industries LLC.	173.302a(a)(1), 173.304a(a)(1)	To modify the special permit to authorize an extension of cylinder life utilizing the Modal Acoustic Emission (MAE) test method. (modes 1, 2, 3, 4, 5)
14509–M	Pacific Consolidated Industries LLC.	173.302(a), 173.302(f)(3), 173.302(f)(4), 173.302(f)(5), 173.304(a), 175.501(e)(3).	To modify the special permit to authorize an extension of cylinder life utilizing the Modal Acoustic Emission (MAE) test method. (modes 1, 2, 3, 4, 5)
20435–M	Atieva USA INC	172.101(j), 173.185(a)	To modify the special permit to authorize the transportation in commerce of lithium ion batteries in excess of 35 kg by cargo-only aircraft. (modes 1, 2, 4)
20549–M	Cornerstone Architectural Products LLC.	172.400, 172.700(a), 172.102(c)(1), 172.200, 172.300.	To modify the special permit to authorize a specially designed packaging filled with a material formulated to suppress lithium battery fires and absorb the smoke, gases and flammable electrolyte associate with those fires. (modes 1, 3)

[FR Doc. 2018–08374 Filed 4–20–18; 8:45 am]

BILLING CODE 4909–60–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0826]

Agency Information Collection Activity Under OMB Review: Intent To File a Claim for Compensation and/or Pension, or Survivors Pension and/or DIC

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 23, 2018.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0826'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia D. Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 811 Vermont Avenue NW, Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0826'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Intent to File a Claim for Compensation and/or Pension, or Survivors Pension and/or DIC (VA Form 21–0966).

OMB Control Number: 2900–0826.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–0966 is used to gather the necessary information to determine an effective date for an award granted in association with a complete claim filed within 1 year of such form. VA also uses it as a request for application and responds by mailing the claimant a letter of receipt, along with the appropriate VA form or application for VA benefits.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 83 FR 29 on February 12, 2018, page 6100.

Affected Public: Individuals or Households.

Estimated Annual Burden: 181,140 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 724,561.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–08370 Filed 4–20–18; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 83 Monday,
No. 78 April 23, 2018

Part II

Department of Energy

10 CFR Part 1045
Nuclear Classification and Declassification; Proposed Rule

DEPARTMENT OF ENERGY

10 CFR Part 1045

[AU60–2016–1045]

RIN 1992–AA49

Nuclear Classification and Declassification

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking and public hearings.

SUMMARY: The Department of Energy (DOE) proposes to revise its regulations concerning the requirements for classification and declassification of Restricted Data (RD) and Formerly Restricted Data (FRD). Since 1997, when DOE amended the regulations, changes in legislation and DOE and national policies have rendered portions of the existing regulations outdated. The proposed revisions update the regulations to address these changes. Additional changes made are to clarify requirements, as well as allow agencies more flexibility in implementing RD/FRD programs. This proposed rule is rewritten for clarity and reorganized for ease of use.

DATES: Written comments must be received by DOE on or before May 23, 2018.

A public meeting will be held if one is requested by May 8, 2018.

ADDRESSES: Comments submitted should be identified by Docket Number AU60–2016–1045 and/or Regulatory Information Number (RIN) 1992–AA49 and may be submitted through the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: officeofclassification@hq.doe.gov.* Include Docket Number AU60–2016–1045 and/or RIN 1992–AA49 in the subject line of the message.
- *Mail or Hand Delivery/Courier:* Mailing address for paper or compact disk (CD) submissions: Department of Energy, Office of Quality Management (AU–61/Germantown Building, Attn: Lesley Nelson-Burns), 1000 Independence Ave. SW, Washington, DC 20585. If possible, submit all items on a CD. It is not necessary to include printed copies.

As a result of potential delays in the receipt and processing of mail sent through the U.S. Postal Service, DOE encourages respondents to submit comments electronically to ensure timely receipt.

Questions concerning submitting written comments and requests to hold public meetings should be addressed to Lesley Nelson-Burns, Office of Quality Management, Department of Energy, AU–61/Germantown Building, 1000 Independence Avenue SW, Washington, DC 20585, or *lesley.nelson-burns@hq.doe.gov,* or phoned to 301–903–4861.

Instructions: All *submissions* must include the agency name and Docket Number or RIN for this rulemaking. All comments received, including any personal information provided, will be posted without change to *http://www.regulations.gov.*

Docket: The docket is available for review at *regulations.gov*, including **Federal Register** notices, comments, and other supporting documents/materials. All documents in the docket are listed in the *regulations.gov* index. Not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

A link to the docket web page to read background documents or comments received can be found at: *http://www.regulations.gov/#!docketDetail;D=AU60-2016-104,* or contact Lesley Nelson-Burns at 301–903–4861 or *lesley.nelson-burns@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Lesley Nelson-Burns (Office of Quality Management) at 301–903–4861 or *lesley.nelson-burns@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority and Reasons for Regulation

The Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 *et seq.* (AEA), is the basis for the classification of nuclear-weapons related information as Restricted Data (RD), and information transclassified from the RD category. The AEA grants the Department of Energy (DOE) Government-wide authority for RD and the control of information as RD. Title 10 of the Code of Federal Regulations (CFR) part 1045 (this part) implements DOE authority under the AEA to manage the Government-wide system of classifying and declassifying RD. This part prescribes procedures for the identification of RD, FRD, and TFNI, describes how members of the public may request the release of RD, FRD, TFNI, and DOE National Security Information (NSI), and sets forth the process to appeal decisions regarding such requests.

In 1997, DOE issued a final rule in 10 CFR part 1045 that established the Government-wide responsibilities and requirements for RD and FRD. 62 FR 68502 (Dec. 31, 1997). The DOE affirmed in the preamble to the final rule that this DOE rule would establish the policies and procedures implementing the requirements of the AEA for the classification and declassification of RD and FRD. The rule also implemented the provisions of the E.O. 12958 pertaining to National Security Information that directly affect the public. The final rule included several requirements intended to provide increased transparency and accountability to the process of classifying and declassifying RD and FRD. These included options for the public to submit suggestions and complaints about classification policy, and for persons to submit challenges to classification determinations and declassification proposals. The rule also identified the specific criteria to be used to determine if information is RD, to declassify RD, and prohibitions on the application of classification.

B. Reasons for Revisions

DOE is revising this part to: Update DOE organizational responsibilities; incorporate changes in the Atomic Energy Act; Executive Order 13526, Classified National Security Information; and 32 CFR part 2001, *Classified National Security Information,* as well as to improve policies and procedures due to lessons learned and feedback from other Federal agencies (agencies).

Section 142(e) of the AEA authorizes the transclassification of information concerning the atomic programs of other nations. Under section 142(e), RD concerning the atomic energy programs of other nations is transclassified by joint agreement with the Director of Central Intelligence (DCI) or the DNI to facilitate sharing in the Intelligence Community (IC). Information transclassified under section 142 of the AEA, did not have a unique name or marking prior to being named TFNI in 2010 under 32 CFR part 2001. Prior to 2010, documents containing this information had no special identifier, were handled in a manner similar to NSI, and were not marked as exempt from automatic declassification. Although the information concerns foreign nuclear programs, the information may be the same or similar to U.S. RD, which is never automatically declassified due to its sensitivity. To ensure this information is not automatically declassified and inadvertently released, E.O. 13526 recognized the Secretary of Energy's authority to determine its declassification. The Information Security Oversight Office (ISOO) of the National Archives and Records Administration, in coordination with DOE, developed language to incorporate TFNI marking requirements into 32 CFR 2001.24(i).

Revisions to this part mirror the marking policies jointly developed by DOE and ISOO contained in 32 CFR part 2001 and ISOO Notice 2011–02. These policies ensure matter containing RD, FRD, and TFNI are not automatically declassified. These policies are publicly available from the ISOO website at *https://www.archives.gov/isoo.*

In addition, revisions to this part define specific responsibilities and authorities for TFNI, authorities for the return of FRD and TFNI to the RD category as permitted by changes to Section 142 of the AEA, and the marking of matter that commingles RD/FRD/TFNI with NSI or Controlled Unclassified Information (CUI). Many changes are based on DOE's experience assisting other agencies in implementing this part.

E.O. 12866 states regulations must be ''simple and easy to understand, with the goal of minimizing uncertainty and litigation . . . '' (Sec. 1, Par. (b)(12)) and E.O. 12988 states that each regulation must specify its effect ''in clear language'' (Sec. 3 Par. (b)(2)). In accordance with these E.O.'s, this proposed regulation is rewritten for clarity and reorganized for ease of use.

DOE consulted with other agencies and incorporated many of their recommendations in the revision to this part. For example, the revised proposed rule permits RD Derivative Classifiers to remove RD, FRD, and TFNI from matter under certain circumstances when the resulting matter remains classified. The changes to this part do not significantly impact current practices and many of the changes provide greater flexibility for agencies in implementing their RD programs.

C. Summary of Revisions

1. Subpart A

Subpart A, previously titled, ''Program Management of the Restricted Data and Formerly Restricted Data Classification System,'' was renamed ''Introduction.'' Subpart A previously contained § 1045.1 to § 1045.9. It now contains § 1045.5 to § 1045.35. Sections are now numbered by fives to allow for future additions. The new sections contain introductory information on this part including: The purpose and application of this part; how to submit comments and requests for equivalencies and exemptions; sanctions that may be implemented against violators of this regulation; and definitions and acronyms used in this part. Information concerning program management and individual responsibilities was moved to Subpart B.

The existing sections of Subpart A were changed as follows: Changes to the content are discussed in the new location noted.

—§ 1045.1: This content was moved to § 1045.5.
—§ 1045.2: This content was moved to § 1045.10(a).
—§ 1045.3: This content was moved to § 1045.30.
—§ 1045.4: This content was moved to § 1045.45.
—§ 1045.5: This content was moved to § 1045.25.
—§ 1045.6: This content was deleted. The Openness Advisory Panel (OAP) was a subcommittee of the Secretary of Energy Advisory Board (SEAB). In May 2006, the Secretary abolished the SEAB and the OAP was not reconstituted when the SEAB was re-established in 2010. To encourage persons with access to RD, FRD, or TFNI and the public to inform DOE of records of interest, DOE has proposed to revise the sections in this part on classification challenges and declassification proposals to provide more information on these processes.
—§ 1045.7: This content was moved to § 1045.15.
—§ 1045.8: This content was moved to § 1045.20.
—§ 1045.9: This content was moved to § 1045.45(g).

The sections of Subpart A are now as follows:

—§ 1045.5: This content was previously in sections § 1045.1, § 1045.10, and § 1045.30. It now addresses the purpose of 10 CFR part 1045 and its subparts. The descriptions of the purpose of each subpart have been changed to reflect the new content and organization of each subpart.
—§ 1045.10: To lessen duplication, this content now consolidates the applicability sections of each subpart, (formerly § 1045.2, § 1045.11, § 1045.31, and § 1045.51). The requirements for generating information and matter are in separate sections in the proposed rule to clarify the distinct authorities and processes for each.
—§ 1045.15: This content was previously in § 1045.7. The address for the DOE Office of Classification was updated.
—§ 1045.20: This content was previously in § 1045.8. The term ''procedural exemption'' has been changed to ''equivalencies and exemptions'' for greater clarity and to increase flexibility. Rather than requesting a complete exemption to a requirement, DOE proposes to permit agencies request an equivalency, by providing an alternate but sufficient method of meeting a requirement. Due to the addition of equivalencies, the information required in a submission for an exemption or equivalency has been expanded. The addresses were also updated.
—§ 1045.25: This content was previously in § 1045.5. There have been no substantive changes to this content.
—§ 1045.30: This content was previously in § 1045.3. Several definitions were added, removed, or revised as follows:
  —Associate RD Management Official (ARDMO)—added to formalize existing practice of Restricted Data Management Officials (RDMOs) acting through deputies.
  —Associate Under Secretary for Environment, Health, Safety and Security replaced ''Chief Health, Safety and Security officer'' to reflect DOE reorganizations.
  —Classification Category—new definition to clarify the specific authority for RD, FRD, and TFNI.
  —Classification Guidance—new definition to clarify that guidance is approved by an appropriate authority and to provide examples of types of guidance.

—Classified Matter—replaced ''documents and material'' to be consistent with current policies.
—Downgrading—defined to describe downgrading of information and matter.
—Initial Determination—defined to identify the process by which new information is determined to be RD.
—Originating Activity—defined to clarify the circumstances in which matter may be distributed as a working paper.
—Restricted Data Derivative Classifier—replaced Restricted Data Classifier to clarify all decisions of an RD Classifier are derivative.
—TFNI—added to define information removed from the RD category under section 142(e) of the AEA.
—TFNI Guidelines—added to define TFNI-specific policies issued by agencies.
—Upgrading—added for persons to better understand the difference between upgrading information (DOE-only) and matter (any RD Derivative Classifier) to ensure in both cases the appropriate authority is exercised.

—The following existing definitions were revised for clarity:
—Agency—added TFNI.
—Automatic Declassification—revised to reflect E.O. 13526.
—Classification—includes information classified by statute (the AEA).
—Classification Guide—edited for clarity.
—Classification Level.
—Added TFNI.
—Removed definition of Confidential for NSI because this is defined in E.O. 13526 and should not be duplicated here because it does not apply to RD, FRD, or TFNI.
—Classified Information—added TFNI; clarified that classified NSI includes information classified under E.O. 13526.
—Declassification—edited for clarity.
—Director, Office of Classification—removed reference to organizational placement of Director, Office of Classification as it is not necessary.
—Interagency Security Classification Appeals Panel (ISCAP)—updated to reflect E.O. 13526.
—National Security—definition changed to refer to definition used by E.O. 13526.
—National Security Information—defined as pursuant to E.O. 13526. Removed clause describing ''defense information'' as used in the AEA because it is obsolete and not pertinent to this proposed rule.
—Portion Marking—edited for clarity.
—RD Management Official—edited to streamline definition.
—Source Document—edited to emphasize the requirement for RD Derivative Classifiers to use only portion marked source documents.

The following definitions were deleted as they are not used in this part:
—Authorized Holder—this term was replaced by ''person with access.''
—Document—removed. All references are now to ''matter.''
—§ 1045.35: This new content contains the acronyms used in the regulation.

2. Subpart B

Subpart B, previously titled, ''Identification of Restricted Data and Formerly Restricted Data Information,'' was renamed ''Program Management of Restricted Data (RD), Formerly Restricted Data (FRD), and Transclassified Foreign Nuclear Information (TFNI) Classification Programs'' Subpart B previously contained § 1045.10 to § 1045.22. It now contains Sections from § 1045.40 to § 1045.65. Sections from Subparts A, B, and C were moved to this Subpart to locate agency and individual responsibilities and authorities in a single subpart. The section of Subpart B describing processes for classification and declassification of RD and FRD (formerly § 1045.14) has been broken up and distributed throughout the regulation, with each component relocated to its appropriate section. The Subpart also includes new sections on responsibility for TFNI and reflects the comprehensive development of TFNI policy by generally including TFNI wherever it should be included with RD and FRD.

The existing sections of Subpart B were changed as follows: Changes to the content are discussed in the new location noted.

—§ 1045.10: This content was moved to § 1045.5.
—§ 1045.11: This content was moved to § 1045.10.
—§ 1045.12: This content was moved to § 1045.45.
—§ 1045.13: This content was moved to § 1045.75.
—§ 1045.14: This was moved and subdivided in the following manner:
—Content regarding the initial classification of RD was moved to § 1045.45(c), § 1045.70, and § 1045.135.
—Content regarding the declassification of RD was moved to § 1045.45(b), § 1045.100 and § 1045.105(a) and (b).
—Content regarding the classification of FRD was moved to § 1045.45(b) and § 1045.85(a).
—Content regarding the declassification of FRD was moved to § 1045.45(b), § 1045.100 and § 1045.105.
—§ 1045.15: This content was moved to § 1045.80.
—§ 1045.16: This content was moved to § 1045.70.
—§ 1045.17: This content was moved to § 1045.45(c) and § 1045.95.
—§ 1045.18: This content was moved to § 1045.45(c).
—§ 1045.19: This content was deleted. Classification determinations concerning RD or FRD, as specified in paragraph (a), follow the criteria in § 1045.80, which provides the rationale for classification and declassification of RD or FRD. Justifications for the exemptions are removed because the presumptions are a starting point to classify or declassify information as the Director, Office of Classification evaluates the criteria, he or she would also justify any exception to the presumptions. No separate justification is necessary. The annual report required by paragraph (b) has not been of interest to the public. DOE has had only one request for the annual report since 1997. Any specific information of interest to the public may be requested under the FOIA.
—§ 1045.20: The content of this paragraph was moved to § 1045.105.
—§ 1045.21: This content was moved to § 1045.90.
—§ 1045.22: This content was moved to § 1045.60 and § 1045.65.

The sections of Subpart B are now as follows:

—§ 1045.40: This content was previously in § 1045.33. A timeframe for agencies to notify the Director, Office of Classification, of new RDMO appointments was added. This change will ensure that points of contact are accurate and that a senior point of contact is available to address questions or concerns.
—§ 1045.45: This content was previously in § 1045.4, § 1045.14, § 1045.17, § 1045.18, and § 1045.32. The section on responsibilities incorporates changes that describe current obligations in more detail. Responsibilities concerning the return of FRD or TFNI to the RD category were added. This addition was due to an amendment to sections 142(d) and (e) of the AEA which permits this action. Other changes were due to the implementation of TFNI and the consolidation of responsibilities which were previously distributed throughout the regulation. Additional changes were made to clarify or

codify existing practices. The description of the authority of the Associate Under Secretary for Environment, Health, Safety, and Security now appears in § 1045.45(b). The substantive changes are as follows:

—§ 1045.45(b): Changed title of position to reflect DOE reorganizations. Implied responsibilities are now explicitly stated. The content was edited to include additional information on cooperation with DoD in the classification and declassification of FRD and to codify existing practices.

—§ 1045.45(c): This content was previously in § 1045.4(a), Director, Office of Classification.

—Added TFNI guidelines in the development of joint classification guides (to include clarification of who must perform assigned duties).

—Content was expanded to address agency and Director, Office of Classification roles in implementing this part.

—§ 1045.45(g): This content was previously in § 1045.4(e), Head of Agencies with Access to RD, FRD, and TFNI, with the following changes:

—Added requirement to develop and promulgate procedures for classification challenges and declassification proposals for RD, FRD, and TFNI.

—Deleted redundant information about parallel procedures for NSI. This information is governed by E.O. 13526 and should not be duplicated here.

—Added responsibilities of DOE, DNI and the IC for TFNI;

—Added responsibility for review of NSI records of permanent historical value under the ''Special Historical Records Review Plan (Supplement)'' (established under Public Laws (Pub. L. 105–261 and 106–65); and

—Added requirement for contacting officer to be notified of contracts that have access to or generate matter containing RD, FRD, or TFNI, to ensure agencies are aware of such contracts and that contracts incorporate the requirements of 10 CFR part 1045.

—§ 1045.45(h): This content was previously in § 1045.4(f), RDMOs, with the following changes:

—Established procedures for the designation of Associate RDMOs (ARDMOs). This codifies current practices and allows agencies flexibility in delegating the responsibilities of RDMOs;

—Incorporates RDMO responsibilities for TFNI;

—Adds responsibility for periodic reviews of agency classification decisions of matter containing RD, FRD, or TFNI. Agencies currently conduct annual reviews of classification decisions under 32 CFR part 2001 to ensure the appropriate identification and marking of National Security Information. The periodic review of matter containing RD, FRD, or TFNI may be done during these reviews to ensure agencies are aware of any systematic issues regarding compliance with this part; and

—Added the Director of National Intelligence (DNI) responsibility for IC elements.

—§ 1045.45(i), (j), and (k): This content was previously in § 1045.32

—Added descriptions of the limits of the authority regarding declassification, downgrading, and using portion-marked source documents. This description was added to clarify requirements and allow agencies greater flexibility in the classification of documents containing RD, FRD, or TFNI, while ensuring documents are coordinated with DOE or DoD, when necessary. For clarity, the list of responsibilities for RD DCs now explicitly requires that source documents be portion-marked, and gives examples of classification upgrading and downgrading.

—Added training required for access to and to derivatively classify TFNI

—§ 1045.55: This content was moved from § 1045.37 and § 1045.43. The language was edited for clarity, and the mailing address for the Director of Classification was added for accuracy. The requirement for declassification proposals from persons with access to RD, FRD, or TFNI to be transmitted through secure means was added to ensure the proper protection of classified information.

—§ 1045.60: This content was moved from § 1045.22. The content did not change.

—§ 1045.65: This content was moved from § 1045.22. To be consistent with DOE policies and for accuracy, the term ''public domain'' was replaced by ''open literature.'' The content also now explains:

—The possible damage to national security resulting from commenting on information in the open literature that is or may be RD, FRD or TFNI; and

—Required reviews of new documents which incorporate information from the open literature which may be classified.

3. Subpart C

Subpart C, previously titled, ''Generation and Review of Documents Containing Restricted Data and Formerly Restricted Data,'' was renamed ''Determining if Information is RD, FRD, or TFNI.'' Subpart C previously contained § 1045.30 to § 1045.46. It now contains § 1045.70 to § 1045.110. Subpart C consolidates content from other subparts on the following subjects: The processes for classification and declassification; the presumptions that guide those processes; the status of privately-generated information in the RD realm; classification levels; and classification challenges. Subpart C also contains a new section on the transclassification of information from the RD category into the TFNI category which is part of the addition of TFNI policy.

The existing sections of Subpart C were changed as follows: Changes to the content are discussed in the new location noted.

—§ 1045.30: This content was moved to § 1045.5.

—§ 1045.31: This content was moved to § 1045.10(a).

—§ 1045.32: This content was moved to § 1045.45(i) and § 1045.155.

—§ 1045.33: This content was moved to § 1045.40.

—§ 1045.34: This content was moved to § 1045.115(b) and (c).

—§ 1045.35: This paragraph was moved to § 1045.45(c) and § 1045.120.

—§ 1045.36: This content was moved to § 1045.45(c).

—§ 1045.37: The content regarding classification guides was moved to § 1045.45. The requirement regarding the 5-year review of guides was moved to § 1045.45(g)(9).

—§ 1045.38: This content was moved to § 1045.155.

—§ 1045.39: This content was moved to § 1045.110.

—§ 1045.40: This content was moved to § 1045.140 and § 1045.165.

—§ 1045.41: This content was moved to § 1045.130(d).

—§ 1045.42: This content was moved to § 1045.170, § 1045.175, and § 1045.180.

—§ 1045.43: This content was moved to § 1045.55.

—§ 1045.44: This content was moved to § 1045.125(b).

—§ 1045.45: This content was moved to § 1045.125.

—§ 1045.46: This content was moved to 1045.130(c) and (d).

The sections of Subpart C are now as follows:

—§ 1045.70: This content was previously in § 1045.14 and § 1045.16.

To address current concerns, the consideration as to whether declassification would assist terrorism was added.

—§ 1045.75: This content was previously in § 1045.13. There are no changes to the content.

—§ 1045.80: This content was previously in § 1045.15. The introduction was revised for clarity.

—§ 1045.85: This content was previously in § 1045.14. The content was edited to include information on coordination with DoD in the classification of FRD, to codify existing practices. It also adds content concerning the transclassification of TFNI, which is added due to the comprehensive implementation of TFNI. Lastly, it adds content regarding the return of FRD or TFNI information to the RD category, codifying a revision to sections 142(d) and (e) of the AEA that allows this action.

—§ 1045.90: This content was previously in § 1045.21. The content was reworded for clarity.

—§ 1045.95: This content was previously in § 1045.17. Examples of RD in each classification level were removed as unnecessary and the language was revised and reorganized for clarity.

—§ 1045.100: This content was previously in § 1045.14. There have been no substantive changes to this content.

—§ 1045.105: This content was previously in § 1045.14 and § 1045.20. To give more detail on an existing process, the paragraph now specifies that declassification proposals must be in writing, and include a reason for the proposal. The paragraph also provides greater detail on the process used to adjudicate declassification proposals to codify existing practices. Information on coordination with DoD in FRD declassification was added to codify existing practices.

—§ 1045.110: This content was previously in § 1045.39. The changes are: Additional content on agency responsibilities regarding classification challenges for RD, FRD, and TFNI information; an emphasis on the right of challengers to submit challenges directly to the Director, Office of Classification, at any time; more information on the actions required of the Director, Office of Classification, and the challenger's appeal rights. This section also clarifies that agency responses to challenges (except for DoD for FRD) are limited to interpreting the application of guidance to derivatively classify matter. This is to ensure RD, FRD, and TFNI challenges are referred to the appropriate agency for consideration and any changes to guidance based on a challenge will be promulgated.

4. Subpart D

Subpart D, previously titled, ''Executive Order 12958: 'Classified National Security Information'' Requirements Affecting the Public,'' was renamed ''Classifying and Declassifying Matter Containing RD, FRD, or TFNI.'' Subpart D previously contained § 1045.50 to § 1045.53. It now contains § 1045.115 to § 1045.165. The sections of Subpart D that deal with DOE's NSI classification program were moved to Subpart F. Sections from Subparts B and C were moved into Subpart D.

Subpart D contains a number of new sections. The new sections addressing TFNI cover: The requirement for a person trained to classify TFNI to review any matter that could potentially contain TFNI; the requirement for classification of TFNI by a person with appropriate authority; and the appropriate procedure for when TFNI guidance cannot be located.

A description of authorities and procedures for redacting RD, FRD, or TFNI from a document was also added to this Subpart. Authorities and procedures for redacting RD, FRD, or TFNI were added to clarify when other agencies may remove RD, FRD, or TFNI from matter.

To assist agencies in developing proper training materials, detail was added to descriptions of training requirements for RD Derivative Classifiers and for persons with access to RD, FRD, or TFNI. The section describing classification by compilation or association provides more detail about these training requirements.

The existing sections of Subpart D were changed as follows: Changes to the content are discussed in the new location noted.

—§ 1045.50: This content was moved to § 1045.5.

—§ 1045.51: This content was moved to § 1045.10(a).

—§ 1045.52: This content was moved to § 1045.185 and § 1045.190.

—§ 1045.53: This content was moved to § 1045.205 and § 1045.210

The sections of Subpart D are now as follows:

—§ 1045.115: This content was previously in § 1045.34. It contains two proposed amendments. The authority for agencies to recognize RD DC authorities granted by other agencies was added to allow agencies flexibility and save agencies the time and resources spent repeating training already provided when the previous authority is the same and to allow agencies greater flexibility in authorities for Strategic Partnership Projects when persons may require classification authority for other agency work. Content was added to address authority and training to classify matter containing TFNI.

—§ 1045.120: This content was previously in § 1045.35. Content was added to provide more detail regarding training for persons with access to RD, FRD, or TFNI, and for RD DC training. Periodic refresher training was added for persons with access to RD, FRD, or TFNI and refresher training every two years is required for RD DCs. This requirement is consistent with requirements for other classified information. Content was also added concerning officials and training for TFNI classification which was added to implement TFNI.

—§ 1045.125: This content was previously in § 1045.44. To codify existing practices, the section provides greater detail on the process for reviewing matter that potentially contains RD, FRD or TFNI. The requirement for review of such matter by an RD DC was changed from ''any authorized holder who believes he or she has information which may be RD shall submit it to an RD Classifier for evaluation'' to ''Matter that potentially contains RD or FRD must be reviewed by an RD Derivative Classifier.'' This change reflects the current DOE requirement for classification reviews, and adds FRD because FRD and RD often have similar content. The requirement for review no longer relies on the authorized holder's subjective belief that information may be RD, since it may be unreliable. New content was added to address TFNI.

—§ 1045.130: This content was previously § 1045.41, and § 1045.46. Content, was added to address classification of TFNI. Content was also added to address when source documents may be used as a basis for classifying matter containing RD or FRD. The section provides more detail for existing practices dealing with the process of classification by association or compilation.

—§ 1045.135: This content was previously in § 1045.14. For the RDMO to be aware of guidance available to RD DCs and to resolve issues at the agency level, when possible, the RDMO and ARDMO were added as contacts for when RD DCs have potentially classified

information for which they cannot find guidance. Also, the Director, Office of Classification, is now explicitly required to notify the RDMO of the agency originating information of the results of any initial determination requests transmitted to the Director. Potentially classified documents pending determination are now protected at a minimum of SRD or SFRD, instead of CRD required by the current regulation. This is due to the fact that since the majority of RD is Secret, this is the most appropriate level of protection until the specific level is identified. Additional information was added regarding the proper procedure when TFNI guidance cannot be located.

—§ 1045.140: This content was previously in § 1045.40. New sub-paragraphs were added to cover markings for: the IC; working papers containing RD, FRD, or TFNI; commingled RD/FRD/TFNI with NSI or CUI; special format matter; and TFNI markings. All revisions to the marking sections were based on national policy, with content added to fully address and clarify requirements.

—§ 1045.145: This section was added to address matter printed from an IT system.

—§ 1045.150: This new section addresses authorities and procedures for redacting RD, FRD, or TFNI from matter. This content was added to clarify procedures for removing RD, FRD, or TFNI from matter and ensure the resulting document does not potentially contain RD, FRD, or TFNI.

—§ 1045.155: This content was previously in § 1045.32 and § 1045.38. TFNI was added and new content addresses who may redact RD, FRD, or TFNI from a document being prepared for public release. This was added to ensure matter containing RD, FRD, or TFNI is reviewed by a person with subject matter expertise and authority so that RD, FRD, or TFNI is not inadvertently released.

—§ 1045.160: This content is a new addition. It was added at the request of other agencies to ensure documents from which RD, FRD, or TFNI is removed that still contain NSI are reviewed and marked appropriately.

—§ 1045.165: This content was previously in § 1045.40. TFNI was added.

5. Subpart E

Subpart E, Government-wide Procedures for Handling Freedom of Information Act (FOIA) and Mandatory Declassification Review (MDR) Requests for Matter Marked as or Potentially Containing RD, FRD, or TFNI,'' is a new addition containing content currently contained in Subpart C and new content. This section describes requirements for other Government agencies when they receive a FOIA or MDR request that potentially contains RD, FRD, or TFNI. Subpart E contains § 1045.170 to § 1045.180. Sections from Subpart C that deal with RD and FRD under a FOIA or an MDR request were moved to this subpart. These sections were also expanded to provide greater detail regarding the processes for appeals and requests.

The sections of Subpart E are as follows:

—§ 1045.170—This section was added to clarify that this section applies to other Government agencies who receive FOIA and MDR requests for matter that is marked as or potentially contains RD, FRD, or TFNI. RD, FRD, and TFNI, is classified under the Atomic Energy Act and therefore does not fall under the MDR provisions of E.O. 13526, which only applies to NSI. This section ensures that RD, FRD, and TFNI are also considered for declassification and the appropriate authority reviews matter that is marked as or potentially contains this information.

—§ 1045.175: This content was previously in § 1045.42. This section now clarifies that it applies to matter that potentially contains RD, FRD, or TFNI as well as matter marked as containing RD, FRD, or TFNI. The Denying Official for Naval Nuclear Propulsion was changed to the Deputy Director, Deputy Administrator for Naval Reactors, so that the Denying Official and the appeal authority are no longer the same. Language for the DoD Initial Denying Authority was incorporated from DoD Manual 5400.07, DoD Freedom of Information Act (FOIA) Program.

—§ 1045.180: This content was previously in § 1045.42. The content was expanded to clarify the process and provide greater detail regarding FOIA and MDR appeals for matter containing RD, FRD, or TFNI and to ensure RD, FRD, or TFNI portions are not included in NSI appeals to ISCAP. Since DOE may receive appeals from individuals or from agencies, both circumstances are now addressed to ensure all appeals for RD and TFNI are sent to DOE and all appeals for FRD are sent to DOE or DoD. Appeals are now required to be submitted within 60 days of the receipt of the denial, which is consistent with the requirement for NSI contained in 32 CFR part 2001 section 33.

6. Subpart F

Subpart F, ''DOE-specific procedures for MDR Requests,'' is a new addition containing content currently contained in Subpart C and new content. This section describes how a person submits an MDR request to DOE for matter that is marked as or potentially contains NSI, RD, FRD, or TFNI. This section also describes how MDR requests are processed within DOE. As recognized in section 6.2 of E.O. 13526, RD, FRD, and TFNI, which are classified under the Atomic Energy Act. Therefore, MDR procedures in E.O. 13526, which only applies to NSI, do not apply to RD, FRD, or TFNI. This subpart implements DOE procedures for processing MDR requests for NSI, under E.O. 13526, and also ensures the public may request declassification reviews of documents containing RD, FRD, or TFNI. Subpart F contains § 1045.185 to § 1045.225. Sections from Subpart D that deal with MDR requests and appeals by the public were moved to this Subpart. Subpart F contains new sections that describe exemptions to MDR requests, the cost associated with an MDR, the DOE process for MDR reviews and appeals, and DOE's OpenNet online resource.

The sections of Subpart F are as follows:

—§ 1045.185—This section was added to clarify that this subpart concerns DOE-specific processes for MDRs under E.O. 13526, which includes NSI, and review of declassification requests for matter marked as or potentially containing RD, FRD, or TFNI, which are not governed by E.O. 13526, to ensure these are considered and appropriately reviewed.

—§ 1045.190: This content was previously in § 1045.52. The mailing address for the Director of Classification was updated.

—§ 1045.195: This content was previously in § 1045.52. An exemption from MDR requests was added for RD matter (technical engineering, blueprints and design documents regarding nuclear weapons). Portion by portion review of these documents is complex and time consuming and results in release of minimal non-exempt information. Processing and review of these documents requires significant resources. Due to the significant sensitivity of the vast majority of information contained in these documents, DOE determined that they should not be subject to an MDR. The exemption from mandatory declassification review under the

Central Intelligence Agency Information Act was removed because it does not apply to DOE records.

—§ 1045.200: This new section contains content addressing costs for MDR reviews. When 10 CFR part 1045 was initially issued, DOE received very few MDR requests. Due to a significant increase in MDR requests, DOE determined it was necessary to recover some of the cost. The fees established mirror DOE fees for FOIA requests.

—§ 1045.205: Content addressing MDR requests and appeals for matter containing RD, FRD, or TFNI was added. The changes codify existing practices.

—§ 1045.210: This content was previously in § 1045.53. Addressed the denial of naval nuclear propulsion information in the requirement since this information is not initially denied by the Director, Office of Classification.

—§ 1045.215: This content was previously in § 1045.53.

—§ 1045.220: This new section was added to address final MDR appeals for matter containing RD, FRD, or TFNI and ensure RD, FRD, and TFNI portions are removed from any matter containing NSI submitted to ISCAP for review. The requirement to coordinate Naval Nuclear Propulsion with the NNSA Deputy Administrator for Naval Nuclear Propulsion was added because that is the appeal authority for this information.

—§ 1045.225: This new section advises the public that matter previously requested under the FOIA/MDR is available on the DOE OpenNet database and provided link to OpenNet.

II. Regulatory Review and Procedural Requirements

A. Review Under Executive Orders 12866 and 13563

OMB has determined that this action does not constitute a ''significant regulatory action'' as defined in section 3(f) of E.O. 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993).

B. Review Under Executive Orders 13771 and 13777

On January 30, 2017, the President issued Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs.'' That Order stated the policy of the executive branch is to be prudent and financially responsible in the expenditure of funds, from both public and private sources. The Order stated it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations. This proposed rule is expected to be an E.O. 13771 deregulatory action.

Additionally, on February 24, 2017, the President issued Executive Order 13777, ''Enforcing the Regulatory Reform Agenda.'' The Order required the head of each agency designate an agency official as its Regulatory Reform Officer (RRO). Each RRO oversees the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. Further, E.O. 13777 requires the establishment of a regulatory task force at each agency. The regulatory task force is required to make recommendations to the agency head regarding the repeal, replacement, or modification of existing regulations, consistent with applicable law. At a minimum, each regulatory reform task force must attempt to identify regulations that:

(i) Eliminate jobs, or inhibit job creation;

(ii) Are outdated, unnecessary, or ineffective;

(iii) Impose costs that exceed benefits;

(iv) Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;

(v) Are inconsistent with the requirements of Information Quality Act, or the guidance issued pursuant to that Act, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or

(vi) Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

This proposed rule, which would update the existing rule to reflect changes in the Atomic Energy Act, E.O. 13526, 32 CFR part 2001, DOE policies and DOE reorganizations that have rendered portions of the existing regulations outdated, as well clarify requirements and allow agencies more flexibility in implementing RD/FRD programs, meets the goals and objectives of the task force.

C. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of a regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by E.O. 13272, ''Proper Consideration of Small Entities in Agency Rulemaking'' (67 FR 53461, August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. DOE has made its procedures and policies available on the Office of the General Counsel's website: (*http://energy.gov/gc/office-general-counsel*).

DOE has reviewed this proposed rule under the Regulatory Flexibility Act and certifies that, if adopted, the rule would not have a significant impact on a substantial number of small entities. This proposed rule applies to Federal agencies and private entities who have access to RD. The number of private entities with access to RD is very small. These include access permittees (covered by 10 CFR part 1016) and private entities whose operations involve isotope separation technologies. The proposed rule does not require significant new requirements for Federal agencies or private entities with access to RD. The proposed changes are administrative changes (*e.g.,* renumbering, and updating office names to reflect reorganizations), and updates to incorporate responsibilities and procedures due to changes in laws, regulations and E.O.s and clarify requirements.

The proposed rule initiates fees for Mandatory Declassification Reviews (MDRs). When 10 CFR part 1045 was initially issued, DOE received very few MDR requests. Due to a significant increase in MDR requests, DOE determined it was necessary to recover some of the cost. Matter requested under an MDR could be requested under the FOIA (but cannot be requested under both), so the fees established mirror DOE fees for FOIA requests rather than creating a different fee structure.

For the above reasons, DOE certifies that the proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities.

D. Review Under the Paperwork Reduction Act

This proposed rule does not contain a collection of information subject to the Office of Management and Budget (OMB) approval under the Paperwork Reduction Act.

E. Review Under the National Environmental Policy Act

DOE has determined that this action meets the requirements for a Categorical

Exclusion A–5 of Appendix A to Subpart D, 10 CFR part 1021, which applies to a rulemaking that addresses or amends an existing rule or regulation that does not change the environmental effect of the rule or regulation being amended.

This proposed rulemaking is necessary because changes in DOE and national policies have rendered portions of the existing rule outdated. In addition, changes are needed to clarify requirements and allow agencies more flexibility in implementing programs for RD and FRD.

These changes are administrative in nature reflecting changes to responsibilities and procedures, and amending the rule will not change the environmental effect of the rule. Accordingly, neither an environmental assessment nor an environmental impact analysis is required.

F. Review Under E.O. 13132, ''Federalism''

E.O. 13132 (64 FR 43255, August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to develop a process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have ''federalism implications.'' Policies that have federalism implications are defined in the E.O. to include regulations that 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.'' On March 7, 2011, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations (65 FR 13735, March 14, 2000).

DOE has examined this proposed rule and has determined that it does not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. No further action is required by E.O. 13132.

G. Review Under E.O. 12988, ''Civil Justice Reform''

Section 3 of E.O. 12988 (61 FR 4729, February 7, 1996), instructs each agency to adhere to certain requirements in promulgating new regulations. These requirements, set forth in section 3(a) and (b), include eliminating drafting errors and needless ambiguity, drafting the regulations to minimize litigation, providing clear and certain legal standards for affected legal conduct, and promoting simplification and burden reduction. Agencies are also instructed to make every reasonable effort to ensure that the regulation describes any administrative proceeding to be available prior to judicial review and any provisions for the exhaustion of administrative remedies. DOE has determined that this regulatory action meets the requirements of section 3(a) and (b) of E.O. 12988.

H. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4), requires each Federal agency to assess the effects of Federal regulatory action on state, local and tribal governments and the private sector. For proposed regulatory actions likely to result in a rule that may cause expenditures by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish estimates of the resulting costs, benefits, and other effects on the national economy. UMRA also requires Federal agencies to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate.'' In addition, UMRA requires an agency plan for giving notice and opportunity for timely input to small governments that may be affected before establishing a requirement that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under the UMRA (62 FR 12820, March 18, 1997). This policy is available at DOE General Counsel's website (*http://energy.gov/gc/office-general-counsel).* This part contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

I. Review Under E.O. 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use''

E.O. 13211 (66 FR 28355, May 22, 2001) requires Federal agencies to prepare and submit to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to the promulgation of a final rule, and that: (1) Is a significant regulatory action under E.O. 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternates to the action and their expected benefits on energy supply, distribution, and use.

This proposed rule is not a significant energy action, nor has it been designated as such by the Administrator of OIRA. Accordingly, DOE has not prepared a Statement of Energy Effects.

J. Review Under the Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed this proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under the Treasury and General Government Appropriations Act of 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule or policy that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

III. Opportunities for Public Comment

A. Participation in This Proposed Rulemaking

DOE encourages the maximum level of public participation in this proposed

rulemaking. Interested persons are encouraged to provide comments.

DOE has established a period of 30 days following publication of this proposed rulemaking for persons and organizations to comment. All public comments and other docket material will be available for review at regulations.gov. The docket material will be found under Docket Number AU60–2016–1045.

B. Written Comment Procedures

Interested persons are invited to participate in this proceeding by submitting written data, views or arguments with respect to the subjects set forth in this proposed rulemaking. Instructions for submitting written comments are set forth at the beginning of this proposed rulemaking and in this section. Where possible, comments should identify the specific section they address.

Comments should be labeled both on the envelope and on the documents as Docket Number AU60–2016–1045 and must be received by the date specified at the beginning of this proposed rule. All comments and other relevant information received by the date specified at the beginning of this proposed rulemaking will be considered by DOE in the subsequent stages of the rulemaking process.

Pursuant to the provisions of 10 CFR part 1004, ''Freedom of Information,'' any person submitting information or data that is believed to be exempt by law from public disclosure should submit one complete copy of the document and three copies, if possible, from which the information believed to be exempt has been deleted. DOE will make its own determination with regard to the confidential status of the information or data and treat it according to its determination.

IV. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this proposed rule.

List of Subjects in 10 CFR Part 1045

Classified information, Declassification, Formerly restricted data, Restricted data, Transclassified foreign nuclear information.

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

Matthew B. Moury,

Associate Under Secretary for Environment, Health, Safety and Security.

For the reasons discussed in the preamble, DOE proposes to amend part 1045 of Title 10 of the Code of Federal Regulations, as follows:

PART 1045—NUCLEAR CLASSIFICATION AND DECLASSIFICATION

Subpart A—Introduction

Sec.

Subpart B—Management of Restricted Data (RD), Formerly Restricted Data (FRD), and Transclassified Foreign Nuclear Information (TFNI) Classification Programs

Subpart C—Determining if Information is RD, FRD, or TFNI

Subpart D—Classifying and Declassifying Matter Containing RD, FRD, or TFNI

Subpart E—Government-wide Procedures for Handling Freedom of Information Act (FOIA) and Mandatory Declassification Review (MDR) Requests for Matter Marked as or Potentially Containing RD, FRD, or TFNI

Subpart F—DOE-specific procedures for MDR Requests

Authority: 42 U.S.C. 2011; E.O. 13526, 75 FR 705, 3 CFR 2010 Comp., pp. 298–327.

Subpart A—Introduction

§ 1045.5 What is the purpose of this part?

(a) This part implements sections 141, 142, and 146 of the Atomic Energy Act, as amended (42 U.S.C. 2011 *et seq.*) (AEA) and describes the procedures to be used by the public in questioning or appealing DOE decisions regarding the classification of NSI under E.O. 13526, ''Classified National Security Information,'' and 32 CFR part 2001, ''Classified National Security Information; Final Rule.'' This part is divided into six subparts:

(1) Subpart A—''Introduction'' specifies to whom these rules apply, describes how to submit comments or suggestions concerning the policies and procedures in this part, describes how to request an exemption from or an equivalency to a provision in this part; outlines sanctions imposed for violating the policies and procedures in this part; defines key terms; and lists acronyms used in this part.

(2) Subpart B—''Program Management of Restricted Data (RD), Formerly Restricted Data (FRD), and Transclassified Foreign Nuclear Information (TFNI) Classification Programs'' specifies responsibilities of officials in DOE and other agencies in the role of identifying RD, transclassifying RD to FRD or to TFNI, and returning FRD or TFNI to RD; discusses the systematic declassification review of information/matter containing RD, FRD, or TFNI; and describes the ''no comment'' policy.

(3) Subpart C—''Determining if Information is RD, FRD, or TFNI'' describes how information is initially classified as RD, transclassified as FRD or TFNI, or declassified; lists criteria for evaluating whether RD, FRD, or TFNI should be classified or declassified; describes the prohibitions against classifying information as RD, FRD, or TFNI; lists areas of information that are presumed to be RD or unclassified; specifies how privately generated information may be classified as RD; defines the classification levels; describes how to submit proposals for RD, FRD, and TFNI; describes how to challenge the classification or declassification of RD, FRD, or TFNI; and describes the issuance of classification guides to promulgate classification and declassification determinations.

(4) Subpart D—''Classifying and Declassifying Matter Containing RD, FRD, or TFNI'' describes who has the authority to classify and declassify matter containing RD, FRD, or TFNI; the appointment and training of these individuals; discusses the use of classified addendums; describes classification by association or compilation; specifies who must review matter that potentially contains RD, FRD, or TFNI intended for public release; describes what to do if an RD Derivative Classifier or a person trained to classify matter containing TFNI cannot locate classification guidance to make a determination; describes the classification and declassification marking requirements; and states the prohibition against the automatic declassification of matter containing RD, FRD, or TFNI.

(5) Subpart E—''Government-wide Procedures for Handling Freedom of Information Act (FOIA) and Mandatory Declassification Review (MDR) Requests for Matter Marked as or Potentially Containing RD, FRD, or TFNI'' describes how agencies process FOIA or MDR requests and appeals for matter marked as or potentially containing RD, FRD, or TFNI

(6) Subpart F—''DOE Procedures for MDR Requests'' describes how DOE FOIA and MDR requests and appeals for matter marked as or potentially containing NSI, RD, FRD, or TFNI are submitted and processed.

(b) Reserved.

§ 1045.10 To whom does this part apply?

(a) Subparts A, B, C, and D apply to—

(1) Any person or agency with access to RD, FRD, or TFNI;

(2) Any person or agency who generates information that has the potential to be RD, FRD, or TFNI; and

(3) Any person or agency who generates matter that potentially contains RD, FRD, or TFNI.

(b) Subpart E applies to Government agencies who receive Freedom of Information Act (FOIA) or Mandatory Declassification Review (MDR) requests for matter that is marked as or potentially contains RD, FRD, or TFNI.

(c) Subpart F applies to DOE and to any person submitting a Mandatory Declassification Review request for DOE matter.

§ 1045.15 What is the process for submitting a question or a comment on any of the policies and procedures contained in this part?

Any person who has a question or a comment on DOE's classification and declassification policies and procedures under this part may submit the question or comment in writing to the Director, Office of Classification, AU–60/ Germantown Building, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585. The correspondence should contain the question or comment, include applicable background information and/ or citations, as appropriate, and must provide an address for the response. The Director will make every effort to respond within 60 days. Under no circumstance will anyone be subject to retribution for asking a question or making a comment regarding DOE's classification and declassification policies and procedures.

§ 1045.20 How does an agency request an exemption or equivalency to meet a provision in this part?

The agency must submit a request for an exemption or an equivalency to the procedural provisions under this part in writing to the Director, Office of Classification, AU–60/Germantown Building, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585. The request must provide all relevant facts, to include any applicable citations, describing the procedure and why the exemption or equivalency is required. If the request is for an equivalency, it must include a proposed alternate procedure to meet the intent of the procedure for which the equivalency is being requested.

§ 1045.25 What actions can be taken against a person who violates the requirements in this part?

Any knowing, willful, or negligent action contrary to the requirements of this part that results in the misclassification of information is subject to appropriate sanctions. Such sanctions may range from administrative sanctions (*e.g.,* reprimand, suspension, termination) to civil or criminal penalties, depending on the nature and severity of the action as determined by the appropriate authority in accordance with applicable laws. Other violations of the policies and procedures in this part may be grounds for administrative sanctions as determined by an appropriate authority.

§ 1045.30 What definitions apply to this part?

The following definitions apply to this part:

Agency means any ''executive agency'' as defined in 5 U.S.C. 105; any ''Military Department'' as defined in 5 U.S.C. 102; and any other entity within the executive branch that has access to RD, FRD, or TFNI information or matter.

Associate RD Management Official (ARDMO) means a person appointed in accordance with agency policy to assist the RD Management Official (RDMO)

with managing the implementation of this part within that agency.

Associate Under Secretary for Environment, Health, Safety and Security means DOE's Associate Under Secretary for Environment, Health, Safety and Security or any person to whom the Associate Under Secretary's duties are delegated.

Atomic Energy Act (AEA) means the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*).

Automatic Declassification means the declassification of NSI based on a specific date, event, or timeframe, in accordance with E.O. 13526, or prior or successor orders.

Classification means the act or process by which information or matter is determined to require protection as RD, FRD, or TFNI, under the AEA or as NSI under E.O. 13526 or prior or successor orders.

Classification Category identifies whether information is classified by statute or E.O. The classification categories are: RD, FRD, TFNI (classified by the AEA), and NSI (classified by E.O.).

Classification Guidance means any instruction or source approved by an appropriate authority that prescribes the classification of specific information (*e.g.,* classification guide, classification bulletins, portion-marked source documents).

Classification Guide means a written record of detailed instructions, approved by an appropriate authority, that explicitly identifies whether specific information is classified, usually concerning a system, plan, project, or program. If classified, the level and category of classification assigned to such information is specified. For NSI, the classification duration is also specified.

Classified Information means:

(1) Information determined to be RD, FRD, or TFNI under the AEA and this part, or

(2) Information that has been determined pursuant to E.O. 13526 or any predecessor order to require protection against unauthorized disclosure and is marked to indicate its classification status when in documentary form.

Classification Level means one of the three following designators for RD, FRD, and TFNI:

(1) *Top Secret (TS)* is applied to RD, FRD, or TFNI that is vital to the national security and the unauthorized disclosure of which could reasonably be expected to cause exceptionally grave damage to the national security that the appropriate official is able to identify or describe.

(2) *Secret (S)* is applied to RD, FRD, or TFNI, the unauthorized disclosure of which could reasonably be expected to cause serious damage to the national security that the appropriate official is able to identify or describe.

(3) *Confidential (C)* is applied to RD, FRD, or TFNI the unauthorized disclosure of which could reasonably be expected to cause undue risk to the common defense and security that the appropriate official is able to identify or describe.

Classified Matter means anything in physical or electronic form that contains or reveals classified information.

Contractor means any industrial, educational, commercial, or other entity, grantee, or licensee at all tiers, including a person that has executed an agreement with the Federal Government for the purpose of performing under a contract, license, or other agreement.

Declassification means a determination by an appropriate authority that:

(1) Information no longer warrants protection against unauthorized disclosure in the interest of the national security, or

(2) Matter no longer contains or reveals classified information.

DOE means the Department of Energy.

Director, Office of Classification, means DOE's Director, Office of Classification.

Downgrading means:

(1) A decision by DOE that information classified as RD or TFNI is classified at a lower level than currently identified in a DOE or joint classification guide;

(2) A joint decision by DOE and the Department of Defense (DoD) that FRD is classified at a lower level than currently identified in a DOE or joint classification guide; or

(3) A decision by an RD Derivative Classifier (or in the case of TFNI, a person trained to derivatively classify TFNI) based on classification guides and bulletins that matter containing RD, FRD, or TFNI is classified at a lower level than currently marked.

(4) A decision, based on a DOE or joint classification guide, by an authorized person that matter containing RD, FRD, or TFNI is classified at a less sensitive category (*e.g.,* RD to FRD, RD to NSI) than currently marked.

Formerly Restricted Data (FRD) means classified information removed from the RD category under the AEA (section 142(d)), after DOE and DoD jointly determine it is related primarily to the military utilization of nuclear weapons and that the information can be adequately protected in a manner similar to NSI.

Government means the executive branch of the Federal Government of the United States.

Government Information means information that is owned by, produced by or for, or is under the control of the U.S. Government.

Information means facts, data, or knowledge, as opposed to the medium in which it is contained.

Initial Determination means the process used by the Director, Office of Classification, to determine if new information is RD. New information that falls under the definition of RD is presumed classified as RD until the Director, Office of Classification makes the initial determination as to its classification status.

Interagency Security Classification Appeals Panel (ISCAP) means a Panel established and administered pursuant to E.O. 13526 and prior or successor E.O.s to perform functions specified in the order with respect to NSI.

Matter means any combination of physical documents, electronic instances of information or data (including email) at rest or in transit, or information or data presentation or representation regardless of physical form or characteristics.

National Security means the national defense or foreign relations of the United States.

National Security Information (NSI) means information that has been determined pursuant to E.O. 13526 or prior or successor E.O.s to require protection against unauthorized disclosure and is marked to indicate its classification status.

Nuclear weapon means atomic weapon.

Originating activity, for the purpose of RD, FRD, or TFNI, means any development of specific matter (*e.g.,* report, guide) within an organization, working group, or between persons, including coordination of a product for classification review.

Person means:

(1) Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and

(2) Any legal successor, representative, agent, or agency of the foregoing.

Portion Marking means the application of certain classification

markings to reasonably segregable sections of matter (*e.g.,* paragraphs, phrases, sentences). This also includes any markings required by national policy to control portions of unclassified information.

Restricted Data (RD) means all data concerning: the design, manufacture, or utilization of atomic weapons; the production of special nuclear material; or the use of special nuclear material in the production of energy, except for data declassified or removed from the RD category pursuant to section 142 of the AEA.

RD Derivative Classifier means a person specifically trained and, when required, designated to derivatively classify matter containing RD or FRD in areas in which they have programmatic expertise.

RD Management Official (RDMO) means a person appointed by an agency to be responsible for managing the implementation of this part within the agency.

Secretary means the Secretary of Energy.

Source Document means existing classified, portion-marked matter that contains classified information that is incorporated, paraphrased, restated, or generated in new form into new matter.

Special Nuclear Materials means special nuclear material as defined in the AEA.

Transclassified Foreign Nuclear Information (TFNI) means information concerning the nuclear energy programs of other nations (including subnational groups) that is removed from the RD category under the AEA (section 142(e)) after DOE and the Director of National Intelligence (DNI) jointly determine that the information is necessary to carry out intelligence-related activities under the National Security Act of 1947, as amended, and that the information can be adequately protected in a manner similar to NSI. TFNI includes information removed from the RD category by past agreements between DOE and the Director of Central Intelligence or past and future agreements with the DNI.

TFNI does not include:

(1) RD or FRD concerning United Kingdom (U.K.) or Canadian programs;

(2) Any U.S. RD or FRD, including that which the U.S. has transmitted to other nations;

(3) Any evaluation of foreign information based on the use of U.S. RD or FRD unless also specifically transclassified to TFNI or any evaluation that could reveal such data concerning the U.S., U.K., or Canadian programs;

(4) Classified atomic energy information received from a foreign government pursuant to an agreement imposing security measures equivalent for those in effect for RD; or

(5) Classified information on the Tripartite Gas Centrifuge and its successor programs, including data on the gas centrifuge work of each of the participants.

TFNI Guideline means a policy document that describes information which meets the TFNI criteria for various collection assets.

Upgrading means:

(1) A decision by DOE that information classified as RD or TFNI is classified at a higher level than currently identified in a DOE or joint classification guide;

(2) A joint decision by DOE and DoD that FRD is classified at a higher level than currently identified in a DOE or joint classification guide; or

(3) A decision by an RD Derivative Classifier, (or in the case of TFNI, a person trained to classify TFNI) based on classification guidance, that matter containing RD, FRD, or TFNI is classified at a higher level or category than currently marked. This includes correcting the classification level or category of matter that was never marked as well as matter erroneously marked as unclassified.

§ 1045.35 What acronyms are commonly used in this part?

The following acronyms are commonly used throughout this part:

AEA—The Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*)
ARDMO—Associate RD Management Official
C—Confidential
CD—Compact Disk
CFR—Code of Federal Regulations
CUI—Controlled Unclassified Information
DCI—Director of Central Intelligence
DNI—Director of National Intelligence
DoD—Department of Defense
DOE—Department of Energy
E.O.—Executive Order
FOIA—Freedom of Information Act
FRD—Formerly Restricted Data
IC—Intelligence Community
ISCAP—Interagency Security Classification Appeals Panel
ICD—Intelligence Community Directive
ICPG—Intelligence Community Policy Guidance
MDR—Mandatory Declassification Review
NNSA—National Nuclear Security Administration
NRC—Nuclear Regulatory Commission
NSI—National Security Information
Pub. L.—Public Law
RD—Restricted Data
RDMO—RD Management Official
S—Secret
TFNI—Transclassified Foreign Nuclear Information
U.K.—United Kingdom

Subpart B—Management of Restricted Data (RD), Formerly Restricted Data (FRD), and Transclassified Foreign Nuclear Information (TFNI) Classification Programs

§ 1045.40 Is there an official in each agency with access to RD, FRD, or TFNI who manages the agency's RD, FRD, or TFNI program to ensure the requirements in this part are met?

(a) Yes. The head of each agency with access to RD, FRD, or TFNI:

(1) Must appoint at least one Federal official to serve as an RDMO who ensures the proper implementation of this part within his or her agency and serves as the primary point of contact for coordination with the Director, Office of Classification, for classification and declassification issues involving RD, FRD, and TFNI. Within DoD, a minimum of at least one RDMO must be appointed in each military department.

(2) May appoint or authorize the RDMO to appoint one or more Associate RDMOs if there is more than one organization that has access to RD, FRD, or TFNI. In such cases, the RDMO is the lead official and the primary point of contact with the Director, Office of Classification.

(3) Must ensure contact information for each RDMO and ARDMO is sent to the Director, Office of Classification, within 30 days of the appointment.

§ 1045.45 What are the responsibilities of DOE officials and personnel, and the officials and personnel of other agencies, under this part?

(a) The Secretary or Deputy Secretary of Energy must determine in writing whether information privately generated by persons in the United States but not under a Government contract is classified as RD. This responsibility cannot be delegated.

(b) The Associate Under Secretary for Environment, Health, Safety and Security:

(1) Determines if RD and TFNI may be published without undue risk to the common defense and security and declassified;

(2) Jointly with DoD, determines which information in the RD category relating primarily to the military utilization of nuclear weapons may be transclassified to the FRD category;

(3) Jointly with DoD, determines which information in the FRD category may be removed from that category and

returned to the RD category and notifies all appropriate agencies as necessary of the change;

(4) Jointly with DoD, declassifies FRD and RD relating primarily to the military utilization of nuclear weapons that may be published without undue risk to the common defense and security;

(5) Jointly with the DNI, determines which information in the RD category concerning nuclear energy programs of foreign governments may be transclassified to the TFNI category to carry out the provisions of the National Security Act of 1947, as amended;

(6) Jointly with the DNI, determines which information in the TFNI category may be removed from that category and returned to the RD category and notifies all appropriate agencies as necessary of the change;

(7) Considers declassification proposals received from the public or other agencies or their contractors concerning RD, FRD, and TFNI, and coordinates responses with the appropriate agencies;

(8) Makes the final appeal determination concerning the denial of any RD, FRD, or TFNI contained in matter requested under statute or Executive Order; and

(9) Makes the final appeal determination for any formal classification challenges for RD, DOE FRD, and TFNI.

(c) The Director, Office of Classification:

(1) Issues the Government-wide requirements for the classification and declassification of RD, FRD, and TFNI in accordance with the AEA and this part;

(2) Grants exemptions and equivalencies to provisions of this part;

(3) Develops and interprets policies to implement RD, FRD, and TFNI classification programs in coordination with DoD for FRD, as appropriate;

(4) Determines whether nuclear-related information is RD;

(5) Determines if new information in a previously declassified subject area warrants classification as RD based on the criteria in § 1045.70, except where the information has been widely disseminated in the open literature;

(6) Assigns a classification level to RD and TFNI, and, jointly with DoD, to FRD, that reflects the sensitivity of the information to the national security;

(7) Serves as the Denying Official for RD, DOE FRD, and TFNI portions of records requested under statute or Executive Order;

(8) Establishes a system for processing, tracking, and recording formal classification challenges and declassification proposals made by persons with access to RD, FRD, and TFNI;

(9) Considers challenges to RD, FRD, and TFNI, coordinates challenges with other agencies, as appropriate, and makes the initial determination pertaining to the challenge of a classification determination concerning RD, DOE FRD, or TFNI;

(10) Delegates the authority to declassify matter containing RD, FRD, or TFNI to qualified individuals in other Government agencies;

(11) Develops and distributes classification guides to promulgate classification and declassification determinations for RD, FRD, and TFNI, and jointly develops classification guides and TFNI guidelines with DoD, the Nuclear Regulatory Commission (NRC), the National Aeronautics and Space Administration, and other agencies in the RD, FRD, or TFNI categories or subject areas for which DOE and the agencies share responsibility;

(12) Reviews classification guides that contain RD and jointly reviews classification guides that contain FRD topics with the appropriate DoD authority (as specified in DoD Instruction 5210.02 or successor instructions) that are developed by other agencies;

(13) Reviews TFNI guidelines and classification guides containing TFNI topics developed by other agencies;

(14) Assists agencies with the implementation of RD, FRD, and TFNI classification programs to comply with this part;

(15) In consultation with the agency RDMO, determines when to conduct on-site reviews of agency programs established under this part to evaluate the agency's implementation of the requirements;

(16) Coordinates on-site reviews of the Intelligence Community (IC) with the DNI;

(17) Reviews agency implementing policies;

(18) Develops training materials related to implementing this part and provides these materials to RDMOs and other appropriate persons;

(19) Reviews any RD-, FRD-, or TFNI-related training material submitted by other agencies to ensure consistency with current policies;

(20) Periodically hosts a meeting of RDMOs to disseminate information or address issues; and

(21) Responds to questions and considers comments received from any person, including the public, concerning RD, FRD, and TFNI classification and declassification policies and procedures.

(d) DoD jointly with DOE:

(1) Determines which information in the RD category relating primarily to the military utilization of nuclear weapons may be transclassified to the FRD category;

(2) Determines which information in the FRD category may be removed from that category and returned to the RD category;

(3) Assigns a classification level to FRD that reflects the sensitivity of the information to the national security;

(4) Prepares classification guides for FRD; and

(5) Declassifies FRD and RD relating primarily to the military utilization of nuclear weapons that may be published without undue risk to the common defense and security.

(6) Considers challenges to FRD, and coordinates challenges with other agencies, as appropriate.

(e) The DNI jointly with DOE:

(1) Determines which information in the RD category concerning nuclear energy programs of foreign governments may be transclassified to the TFNI category to carry out the provisions of the National Security Act of 1947, as amended;

(2) Determines which information in the TFNI category may be removed from that category and returned to the RD category; and

(3) Coordinates IC Directives (ICD) and IC Policy Guidance (ICPG) concerning RD, FRD, and TFNI to ensure policies are consistent;

(f) NRC:

(1) Jointly with DOE, develops classification guides for programs over which both agencies have cognizance; and

(2) Ensures the review and proper classification of matter containing RD by RD Derivative Classifiers that is generated by NRC or by its licensed or regulated facilities and activities.

(g) Heads of Agencies with access to RD, FRD, or TFNI:

(1) Ensure that matter containing RD, FRD, and TFNI is reviewed by a person with appropriate authority and properly classified.

(2) Must appoint at least one RDMO to manage the implementation of this part within the agency;

(3) Ensure implementing directives for this part are developed, submitted to DOE for review prior to issuance, to ensure consistency with this part, and promulgated;

(4) Should periodically review holdings containing RD, FRD, or TFNI that are likely to have a high degree of public interest and a likelihood of declassification. If any matter containing RD, FRD, or TFNI is

identified for declassification, ensure coordination for the declassification of matter marked as RD, FRD, or TFNI with DOE or DoD, as appropriate;

(5) Develop and promulgate procedures for persons with access to RD or FRD to submit classification challenges and declassification proposals for guide topics that are RD or FRD or for matter containing RD or FRD. If the agency possesses TFNI, develops and promulgates procedures for persons with access to TFNI to submit classification challenges and declassification proposals for guide topics that are TFNI or matter containing TFNI;

(6) Ensure joint classification guides for programs over which DOE and the agency have cognizance are developed;

(7) Ensure that any classification guides the agency develops or revises that contain RD or FRD, topics are coordinated with the Director, Office of Classification prior to issuance, to ensure consistency with DOE and DoD guidance;

(8) Ensure that any TFNI guidelines or classification guides containing TFNI topics the agency develops or revises are reviewed by the Director, Office of Classification, prior to issuance for consistency with policies developed by DOE and current transclassification agreements;

(9) Ensure that agency classification guides containing RD, FRD, or TFNI topics are reviewed for consistency with current DOE classification guides at least once every 5 years and that appropriate revisions are made, if necessary;

(10) Ensure that NSI records of permanent historical value are reviewed as required under the ''Special Historical Records Review Plan (Supplement)'' established under Public Law 105–261 and 106–65 or subsequent statutes;

(11) Ensure that each RDMO and Federal RD Derivative Classifier whose duties involve the classification of a significant amount of matter containing RD or FRD have his or her personnel performance evaluated with respect to such classification activities; and

(12) Ensure that contracting officers are notified of any contracts that have access to or generate matter containing RD, FRD, or TFNI, and that the requirements of this part are incorporated into those contracts.

(13) Ensure DOE classification guides, classification bulletins and matter containing DOE classification guide topics that is not itself classified is safeguarded and its dissemination is limited to persons with a need to know.

(h) Agency RDMOs:

(1) Ensure that procedures for training and designating ARDMOs and RD Derivative Classifiers within the agency are established;

(2) Ensure that persons with access to RD, FRD, and TFNI are trained in accordance with § 1045.120;

(3) Ensure that RD Derivative Classifiers are designated and trained in accordance with §§ 1045.115 and 1045.120, respectively;

(4) Ensure that persons who derivatively classify matter containing TFNI are trained in accordance with § 1045.120;

(5) Ensure that RD Derivative Classifiers and persons who derivatively classify TFNI have access to any classification guides needed;

(6) Ensure that a periodic review of a sample of the agency's RD, FRD, and TFNI derivative classification determinations is conducted that evaluates that each determination was made by appropriately trained and (when required) designated employees acting within his or her authority, that the determination is accurate, and that the markings are applied correctly;

(7) In consultation with the Director, Office of Classification determine when to conduct on-site reviews of their agency program established under this part to evaluate the agency's implementation of the requirements; and

(8) Cooperate with and provide information as necessary to the Director, Office of Classification, to fulfill their responsibilities under this part.

(i) RD Derivative Classifiers:

(1) Must receive training prescribed by § 1045.120;

(2) Must use approved DOE or joint classification guides, in the subject areas in which they have programmatic expertise, or an applicable portion-marked source document as the basis for derivative decisions to classify or upgrade matter containing RD or FRD; and

(3) Must use DOE classification guides and bulletins, joint DOE-agency classification guides, or agency classification guides containing RD or FRD topics that have been coordinated with DOE as the basis to downgrade the level of matter containing RD or FRD. Source documents must not be used as a basis to downgrade matter containing RD or FRD;

(4) Must not downgrade the category of matter containing RD, FRD, or TFNI (*e.g.,* RD to NSI, FRD to NSI), unless granted this authority by DOE for RD or TFNI or by DOE or DoD for FRD;

(5) Must not declassify matter containing RD, FRD, or TFNI unless delegated this authority by DOE for RD or TFNI, or by DOE or DoD for FRD; and

(6) Can remove the RD, FRD, and TFNI portions from a portion-marked source document in accordance with § 1045.150.

(j) Persons who derivatively classify matter containing TFNI:

(1) Must receive training prescribed by § 1045.120;

(2) Must use approved TFNI guidelines, DOE or joint classification guides in the subject areas in which they have programmatic expertise, or an applicable portion-marked source document as the basis for derivative decisions to classify or upgrade matter containing TFNI; and

(3) Must not declassify or downgrade the category of matter containing TFNI unless delegated this authority by DOE.

(k) Persons with access to RD, FRD, or TFNI:

(1) Must be trained in accordance with § 1045.120;

(2) Must submit matter that potentially contains RD, FRD, or TFNI to a person with the appropriate authority for review in accordance with § 1045.125;

(3) Must submit matter that potentially contains RD, FRD, or TFNI to a person with the appropriate authority for declassification or public release.

§ 1045.50 Reserved.

§ 1045.55 When are RD, FRD, and TFNI considered for declassification?

(a) RD, FRD, and TFNI information and matter are considered for declassification during several processes.

(1) DOE reviews all classification guides containing RD, FRD, or TFNI topics at least once every 5 years to determine if information identified as RD, FRD, or TFNI still meets the criteria for classification under § 1045.70. If RD, FRD, and TFNI information contained in a classification guide does not meet the standards for classification, the information is declassified.

(2) TFNI is no longer TFNI when comparable U.S. RD is declassified.

(3) Agencies with holdings containing RD, FRD, or TFNI should periodically review holdings that are likely to have a high degree of public interest and a likelihood of declassification. If any matter containing RD, FRD, or TFNI is identified for declassification, agencies must coordinate the declassification of matter marked as RD, FRD, or TFNI with DOE or DoD, as appropriate.

(4) RD, FRD, or TFNI information or matter containing RD, FRD, or TFNI in particular areas of public interest may

be considered for declassification if sufficient interest is demonstrated. Proposals for the systematic review of given collections or subject areas must be addressed to the Director, Office of Classification, AU–60/Germantown Building; U.S. Department of Energy; 1000 Independence Avenue SW, Washington, DC 20585.

(5) During the FOIA and MDR request process, agencies must refer any responsive matter that is marked as or potentially contains RD, FRD, or TFNI to DOE or DoD, as provided under Subpart F. During this process, the information may be reviewed to determine it still meets the standards for classification.

(6) The public and persons with access to RD, FRD, or TFNI may submit a declassification proposal for RD, FRD, or TFNI under § 1045.105.

§ 1045.60 Does an unauthorized public release of RD, FRD, or TFNI result in its declassification?

The unauthorized disclosure of RD, FRD, or TFNI does not automatically result in its declassification. However, if a disclosure is sufficiently authoritative or credible, the Associate Under Secretary for Environment, Health, Safety and Security will examine the possibility of declassifying the information.

§ 1045.65 What are the responsibilities of a person with access to RD, FRD, or TFNI, if they see information in the open literature that they think is RD, FRD, or TFNI?

(a) A person with access to RD, FRD, or TFNI, must not confirm or expand upon the classification status or technical accuracy of information in the open literature that is RD, FRD, or TFNI or suspected to be RD, FRD, or TFNI. Commenting on such information can cause greater damage to national security by confirming its location, classified nature, or technical accuracy.

(b) Because the open literature may contain information that is still classified as RD, FRD, or TFNI, a person who has access to RD, FRD, or TFNI who incorporates information from the open literature that is potentially classified as RD, FRD, or TFNI into matter must ensure the matter is reviewed as required under § 1045.125 to ensure the information incorporated is not classified.

Subpart C—Determining if Information Is RD, FRD, or TFNI

§ 1045.70 How is information initially determined to be RD?

(a) For new information to be classified as RD it must fall under the definition of RD that states such information concerns: The design, manufacture, or utilization of nuclear weapons; the production of special nuclear material; or the use of special nuclear material in the production of energy, and the unauthorized release of the information must reasonably be expected to cause undue risk to the common defense and security.

(b) This initial determination is made by the Director, Office of Classification after:

(1) Ensuring the information is not prohibited from being classified under § 1045.75;

(2) Considering whether the information falls within the classification or declassification presumptions in § 1045.80; and

(3) Evaluating the criteria in this paragraph.

(i) Whether the information is so widely known or readily apparent to knowledgeable observers that its classification would cast doubt on the credibility of classification programs;

(ii) Whether publication of the information would assist in the development of countermeasures or otherwise jeopardize any U.S. weapon or weapon system;

(iii) Whether the information would hinder U.S. nonproliferation efforts by significantly assisting potential adversaries to develop or improve a nuclear weapon capability, produce nuclear weapons materials, or make other military use of nuclear energy;

(iv) Whether information would assist terrorists to: Develop a nuclear weapon, produce nuclear materials, or use special nuclear material in a terrorist attack;

(v) Whether publication of the information would have a detrimental effect on U.S. foreign relations;

(vi) Whether publication of the information would benefit the public welfare, taking into account the importance of the information to public discussion and education and potential contribution to economic growth; and

(vii) Whether publication of the information would benefit the operation of any Government program by reducing operating costs or improving public acceptance.

(c) In consideration of the analysis of the criteria of this section, if there is significant doubt about the need to classify the information, then the Director cannot make an initial determination to classify the information.

§ 1045.75 Are there prohibitions against information being classified, remaining classified, or prevented from being declassified as RD, FRD, or TFNI?

(a) Yes. Information must not be classified or remain classified as RD, FRD, or TFNI to accomplish the purposes described in paragraphs (b) through (g) of this section. Persons must also not prevent information from being declassified as RD, FRD, or TFNI for the purposes described in paragraphs (b) through (g) of this section.

(b) Conceal violations of law, inefficiency, or administrative error;

(c) Prevent embarrassment to a person, organization, or agency;

(d) Restrain competition;

(e) Prevent or delay the release of information that does not require protection for the national security or nonproliferation reasons;

(f) Unduly restrict dissemination by assigning an improper classification level; or

(g) Prevent or delay the release of information bearing solely on the physical environment or public or worker health and safety.

§ 1045.80 What are the classification and declassification presumptions?

(a) The Director, Office of Classification and the Associate Under Secretary of Environment, Health Safety and Security consider the presumptions in paragraph (b)(1) of this section before applying the criteria in § 1045.70. These presumptions concern information in certain but not all nuclear-related areas that may generally be presumed to be RD or are generally unclassified. The term ''generally'' here means that as a rule, but not necessarily in every case, the information in the identified area is presumed classified or not classified as indicated. Inclusion of specific existing information in one of the presumption categories does not mean that new information in a category is or is not classified, but only that arguments to differ from the presumed classification status of the information should use the appropriate presumption as a starting point.

(b) Information in the following areas is presumed to be RD—

(1) Detailed designs, specifications, and functional descriptions of nuclear explosives, whether in the active stockpile or retired;

(2) Material properties under conditions achieved in nuclear explosions that are principally useful only for design and analysis of nuclear weapons;

(3) Vulnerabilities of U.S. nuclear weapons to sabotage, countermeasures, or unauthorized use;

(4) Nuclear weapons logistics and operational performance information (*e.g.,* specific weapon deployments, yields, capabilities) related to military utilization of those weapons required by DoD;

(5) Details of the critical steps or components in nuclear material production processes; and

(6) Features of military nuclear reactors, especially naval nuclear propulsion reactors, that are not common to or required for civilian power reactors

(c) Information in the following areas is presumed to be unclassified—

(1) Basic science: Mathematics, chemistry, theoretical and experimental physics, engineering, materials science, biology, and medicine;

(2) Magnetic confinement fusion technology;

(3) Civilian power reactors, including nuclear fuel cycle information but excluding technologies for uranium enrichment;

(4) Source materials (defined as uranium and thorium and ores containing them);

(5) Fact of use of safety features (*e.g.,* insensitive high explosives, fire resistant pits) to lower the risks and reduce the consequences of nuclear weapon accidents;

(6) Generic nuclear weapons effects;

(7) Physical and chemical properties of uranium and plutonium, most of their alloys and compounds, under standard temperature and pressure conditions;

(8) Nuclear fuel reprocessing technology and reactor products not revealing classified production rates or inventories;

(9) The fact, time, location, and yield range (*e.g.,* ''less than 20 kilotons'' or ''20–150 kilotons'') of U.S. nuclear tests;

(10) General descriptions of nuclear material production processes and theory of operation;

(11) DOE special nuclear material aggregate inventories and production rates not revealing the size of or details concerning the nuclear weapons stockpile;

(12) Types of waste products resulting from all DOE weapon and material production operations;

(13) Any information solely relating to the public and worker health and safety or to environmental quality; and

(14) The simple association or simple presence of any material (*i.e.,* element, compound, isotope, alloy, etc.) at a specified DOE site.

§ 1045.85 How is information determined to be FRD or TFNI and can FRD or TFNI be returned to the RD category?

(a) To be eligible to become FRD or TFNI, information must first be classified as RD in accordance with the AEA and this part. FRD and TFNI are removed from and may be returned to the RD category under section 142 of the AEA. The process by which information is removed from the RD category and placed into the FRD or TFNI category or returned to the RD category is called transclassification and involves the following decisions:

(1) For information to be transclassified from RD to the FRD category, the Associate Under Secretary for Environment, Health, Safety and Security and the appropriate official within DoD (as specified in DoD Instruction 5210.02 or subsequent instructions) must jointly determine that the information relates primarily to the military utilization of nuclear weapons and can be adequately protected in a manner similar to NSI.

(2) For information to be transclassified from RD to the TFNI category, the Associate Under Secretary for Environment, Health, Safety and Security and the DNI must jointly determine that information concerning a foreign nuclear energy program that falls under the RD definition must be removed from the RD category in order to carry out the provisions of the National Security Act of 1947, as amended, and can be adequately protected in a manner similar to NSI.

(b) The process to return FRD and TFNI to the RD category is as follows:

(1) FRD may be returned to the RD category if the DOE and DoD jointly determine that the programmatic requirements that caused the information to be removed from the RD category no longer apply, the information would be more appropriately protected as RD and returning the information to the RD category is in the interest of national security. DOE jointly with DoD must notify all appropriate agencies of the change.

(2) TFNI may be returned to the RD category if the DOE and the DNI jointly determine that the programmatic requirements that caused the information to be removed from the RD category no longer apply, the information would be more appropriately protected as RD and returning the information to the RD category is in the interest of national security. DOE jointly with the DNI must notify all appropriate agencies of the change.

§ 1045.90 Can information generated by private entities that is not owned by, produced by, or controlled by the U.S. Government be classified as RD?

Yes. Under the AEA, DOE may classify information that is privately generated (*e.g.,* not under a Government contract) as RD. This may only be done in writing by the Secretary or Deputy Secretary. This responsibility cannot be delegated. Once such a determination is made, DOE must notify the public through the **Federal Register**. This notice is not required to reveal any details about the determination and must protect the national security as well as the interests of the private party.

§ 1045.95 What are the criteria used to assign levels to RD, FRD, or TFNI?

(a) When the Director, Office of Classification, makes the initial determination that information is RD, he or she determines the appropriate level of the information based on the damage that would occur if there was an unauthorized disclosure of the information. The Director, Office of Classification, also determines the level for TFNI, and, jointly with the appropriate DoD official (as specified in DoD Instruction 5210.02 or successor instructions) determines the level for FRD information.

(b) The three classification levels of RD, FRD, and TFNI are:

(1) *Top Secret.* Top Secret is applied to information that is vital to the national security the unauthorized disclosure of which could reasonably be expected to cause exceptionally grave damage to the national security that the appropriate official is able to identify or describe.

(2) *Secret.* Secret is applied to information, the unauthorized disclosure of which could reasonably be expected to cause serious damage to the national security that the appropriate official is able to identify or describe.

(3) *Confidential.* Confidential is applied to information, the unauthorized disclosure of which could reasonably be expected to cause undue risk to the common defense and security that the appropriate official is able to identify or describe.

§ 1045.100 How are RD, FRD, and TFNI declassified?

(a) This section addresses the declassification of information, not derivatively classified matter. See Subpart D for requirements for the declassification of matter containing RD, FRD, or TFNI.

(b) RD and TFNI are declassified by the Associate Under Secretary for Environment, Health, Safety and

Security by evaluating the criteria in § 1045.70. FRD requires the evaluation of the same criteria and a joint decision by the Associate Under Secretary for Environment, Health, Safety and Security and the appropriate DoD official (as specified in DoD Instruction 5210.02 or subsequent instructions).

§ 1045.105 What is the method to request the declassification of RD, FRD or TFNI?

(a) If a person believes RD, FRD, or TFNI should not be classified, he or she may submit a declassification proposal. Proposals must be submitted in writing and must include a description of the information concerned and may include a reason for the request. If submitted by a person with access to RD, FRD, or TFNI the request must be submitted through secure means. The proposal is processed as follows:

(b) The Associate Under Secretary for Environment, Health, Safety and Security considers declassification proposals from the public and Government agencies and their contractors for the declassification of RD, FRD, and TFNI on an ongoing basis. For FRD, the Director, Office of Classification, will coordinate the declassification proposal with the appropriate DoD official (as specified in DoD Instruction 5210.02 or subsequent instructions).

(c) Declassification proposals may be sent to the Associate Under Secretary for Environment, Health, Safety and Security, AU–1/Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585. For FRD, the proposal may be sent to the Director, Office of Classification, or the appropriate DoD official (as specified in DoD Instruction 5210.02 or subsequent instructions). DOE and DoD must coordinate with one another concerning declassification proposals for FRD.

§ 1045.110 How are challenges to the classification and declassification of RD, FRD, or TFNI submitted and processed?

(a) Any person with access to RD, FRD, or TFNI who believes that RD, FRD, or TFNI is improperly classified is encouraged and expected to challenge the classification. The challenge may be to information RD, FRD, or TFNI (*e.g.,* a guide topic) or the classification status of matter containing RD, FRD, or TFNI.

(b) Challenges are submitted in accordance with agency procedures.

(c) Each agency must establish procedures for a person to challenge the classification status of RD, FRD, or TFNI if they believe that the classification status is improper. These procedures must:

(1) Advise the person of their right to submit a challenge directly to the Director, Office of Classification, AU–60/Germantown Building; U.S. Department of Energy; 1000 Independence Avenue SW, Washington, DC 20585, at any time.

(2) Ensure that under no circumstances is an employee subject to retribution for challenging the classification status of RD, FRD, or TFNI;

(3) Require the agency that initially receives the challenge to provide an initial response within 60 days to the person submitting the challenge.

(4) Require the agency to advise the person of their appeal rights. If the employee is not satisfied with the agency response or the agency has not responded to the challenge within 180 days, the challenge involving RD, FRD, or TFNI may be appealed to the Director, Office of Classification.

(i) In the case of FRD and RD related primarily to the military utilization of nuclear weapons, the Director, Office of Classification, coordinates with the appropriate DoD official (as specified in DoD Instruction 5210.02 or subsequent instructions).

(ii) In the case of TFNI, the Director, Office of Classification, coordinates with DNI.

(5) If the response to the initial appeal and its justification for classification does not satisfy the person making the challenge, a further appeal may be made to the Associate Under Secretary for Environment, Health, Safety and Security, AU–1/Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585.

(d) Agency responses to RD or TFNI challenges are limited to interpreting the application of guidance to derivatively classify matter. Except for DoD, agency responses to FRD are limited to interpreting the application of guidance to derivatively classify matter. An agency may coordinate challenges regarding interpreting guidance for RD or TFNI with DOE, and may coordinate challenges regarding interpreting guidance for FRD with DOE or DoD.

(e) Agencies must forward challenges that require decisions other than interpreting the application of guidance (*e.g.,* challenges to guide topics) to the Director, Office of Classification.

Subpart D—Classifying and Declassifying Matter Containing RD, FRD, or TFNI

§ 1045.115 Who is authorized to derivatively classify matter that contains RD, FRD, or TFNI?

(a) Specific authority and/or training is required to derivatively classify matter containing RD, FRD, or TFNI. These derivative classification decisions must be based on a classification guide, a classification bulletin, or a portion-marked source document and must only be made in the RD Derivative Classifier's subject areas of expertise. In cases where guidance does not exist, for RD the Director, Office of Classification must make an initial determination that information is RD or that the matter contains RD, and for FRD DOE and DoD must jointly determine that the information is FRD or the matter contains FRD. No other agency or agency personnel has the authority to make an initial determination regarding RD or FRD. See § 1045.135 for the process for requesting a determination in cases where guidance does not exist.

(b) Each person who derivatively classifies matter containing RD or FRD must be an RD Derivative Classifier.

(c) Except for DoD military and DoD Federal civilian employees, each RD Derivative Classifier must be designated by name or position in writing in accordance with agency procedures.

(d) An agency contractor employee may be an RD Derivative Classifier. All contractor employees, including DoD contractors, must be designated by name or position as such in writing in accordance with agency procedures.

(e) Once a person is an RD Derivative Classifier for an agency, he or she may classify matter containing RD or FRD in those subject areas in which they have programmatic expertise for any agency, provided the other agency or agencies accept the existing authority.

(f) No specific designation as an RD Derivative Classifier is required to classify matter containing TFNI. Any person who has received training required by § 1045.120 may classify matter containing TFNI.

§ 1045.120 What training is required for persons who have access to or who derivatively classify matter containing RD, FRD, or TFNI?

(a) Prior to being authorized access to RD and FRD, a person must receive training that explains:

(1) What information is potentially RD and FRD;

(2) Matter that potentially contains RD or FRD must be reviewed by an RD Derivative Classifier to determine whether it contains RD or FRD;

(3) DOE must review matter that potentially contains RD or TFNI for public release and DOE or DoD must review matter that potentially contains FRD for public release;

(4) RD Derivative Classification authority is required to classify or upgrade matter containing RD or FRD, or to downgrade the level of matter containing RD or FRD;

(5) Only a person trained in accordance with this section, may classify matter containing TFNI;

(6) Matter containing RD, FRD, and TFNI is not automatically declassified and only DOE authorized persons may downgrade the category or declassify matter marked as containing RD; only DOE or DoD authorized persons may downgrade the category or declassify matter marked as containing FRD;

(7) How to submit a challenge if they believe RD, FRD, or TFNI information (*e.g.,* a guide topic) or matter containing RD, FRD, or TFNI is not properly classified; and

(8) Access requirements for matter marked as containing RD or FRD.

(b) Each person with access to RD and FRD must also receive periodic refresher briefings covering these same topics.

(c) In addition to the training in paragraph (a) of this section, prior to derivatively classifying matter containing RD, or FRD and every 2 years thereafter, each RD Derivative Classifier must also receive training that explains:

(1) The use of classification guides, classification bulletins, and portion-marked source documents to classify matter containing RD and FRD;

(2) What to do if applicable classification guidance is not available;

(3) Limitations on an RD Derivative Classifier's authority to remove RD or FRD portions from matter; and

(4) Marking requirements for matter containing RD and FRD.

(d) Prior to having access to TFNI, and periodically thereafter, each person must receive the following training (which may be combined with the training required for access to RD or FRD):

(1) What information is potentially TFNI;

(2) Only a person with appropriate training may determine if matter contains TFNI;

(3) Marking requirements for matter containing TFNI;

(4) Matter containing TFNI is not automatically declassified and only DOE authorized persons may downgrade the category or declassify matter marked as containing TFNI; and

(5) How to submit a challenge if they believe TFNI information (*e.g.,* a guide topic) or matter containing TFNI is not properly classified.

(e) In addition to the training in § 1045.120(d), prior to derivatively classifying matter containing TFNI and every 2 years thereafter, each person who derivatively classifies matter containing TFNI must also receive training that explains:

(1) The markings applied to matter containing TFNI;

(2) Limitations on their authority to remove TFNI portions from matter;

(3) Only DOE authorized persons may determine that classified matter no longer contains TFNI;

(4) Only DOE authorized persons may declassify matter marked as containing TFNI; and

(5) DOE must review matter that potentially contains TFNI for public release.

§ 1045.125 What is the process for reviewing and derivatively classifying matter that potentially contains RD, FRD, or TFNI?

(a) *Protecting and marking matter that potentially contains RD, FRD, or TFNI prior to review.* Prior to the review of matter to determine if it contains RD, FRD, or TFNI, the matter must be protected at the overall potential highest level and category and marked as a working paper in accordance with § 1045.140.

(b) *Matter that potentially contains RD, FRD, or TFNI that is intended for public release.* Any person who generates or possesses matter that potentially contains RD, FRD, or TFNI that is intended for public release must ensure that it is reviewed by the Director, Office of Classification, or a DOE official granted the authority by delegation, regulation, or DOE directive, prior to release. FRD may also be reviewed by the appropriate DoD official as specified in DoD Instruction 5210.02 or subsequent instructions.

(c) *Matter that potentially contains RD or FRD information that is not intended for public release.* Matter that potentially contains RD or FRD that is not intended for public release must be reviewed by an RD Derivative Classifier.

(d) *Matter that potentially contains TFNI that is not intended for public release.* Matter that potentially contains TFNI that is not intended for public release must be reviewed by a person who has been trained in accordance with § 1045.120(e).

(e) *Matter that incorporates information from the open literature that potentially contains RD, FRD, or TFNI.* Because the open literature may contain information that is still classified as RD, FRD, or TFNI, matter that incorporates information from the open literature that is potentially RD, FRD, or TFNI must be reviewed as required under this section.

(f) *Matter being reviewed under E.O. 13526 or successor orders.* If, when reviewing matter under the automatic or systematic review provisions of E.O. 13526 or successor orders, the person finds matter potentially contains RD, FRD, or TFNI that it is not correctly marked

(1) An RD Classifier may review the matter to determine if it contains RD or FRD. If the matter is determined to contain RD or FRD, the matter must be appropriately marked and is exempt from automatic declassification.

(2) A person trained to classify TFNI may review the matter to determine if it contains TFNI. If the matter is determined to contain TFNI, the matter must be appropriately marked and is exempt from automatic declassification.

(3) If an authorized person is unable to make a determination for RD, FRD, or TFNI, the matter must be referred to DOE. Matter containing FRD may also be referred to DoD. The matter may not be automatically declassified until DOE or DoD makes a determination as to its classification status.

§ 1045.130 How does an authorized person derivatively classify matter containing RD, FRD, or TFNI?

(a) For RD or FRD, an RD Derivative Classifier makes the derivative classification determination using:

(1) A DOE classification guide or bulletin, a joint DOE-agency classification guide, an agency guide with RD/FRD topics that is within his or her programmatic area of expertise; or

(2) An applicable portion-marked source document.

(b) For TFNI, a person who is trained to derivatively classify matter containing TFNI makes the determination using:

(1) Approved TFNI guidelines;

(2) A DOE classification guide or bulletin, a joint DOE-agency classification guide, an agency guide with RD, FRD, or TFNI topics within his or her programmatic area of expertise; or

(3) An applicable portion-marked source document.

(c) *Association and Compilation.*

(1) *RD, FRD, or TFNI classification based on association.* If two or more different, unclassified facts when combined in a specific way result in a classified statement, or if two or more different classified facts or unclassified and classified facts when combined in a specific way result in a higher classification level or more restrictive category, then an RD Derivative Classifier may classify or upgrade the matter based on the association. If the

matter is to be portion marked, then each portion of the associated information must be marked at the level and category of the association.

(2) *RD, FRD, or TFNI classification based on compilation.* A large number of often similar unclassified pieces of information or a large number of often similar RD, FRD, or TFNI pieces of information by selection, arrangement, or completeness in matter may add sufficient value to merit classification or to merit classification at a higher level. If there is a classification guide topic that applies to the compilation, an RD Derivative Classifier may classify the information by compilation. In the absence of a classification guide topic that applies, for RD or TFNI, the Director, Office of Classification, may make the determination to classify or upgrade the matter based on compilation. For FRD, the Director, Office of Classification, or any appropriate DoD official (as specified in DoD Instruction 5210.02 or subsequent instructions) may classify or upgrade the matter based on compilation. Matter that is classified as RD, FRD, or TFNI based on compilation is never portion marked.

(d) *Use of a classified addendum.* When it is important to maximize the amount of information available to the public or to simplify matter handling procedures, the RD, FRD, or TFNI should be segregated into a classified addendum.

§ 1045.135 Can a person make an RD, FRD, or TFNI classification determination if applicable classification guidance is not available?

(a) No. If an RD Derivative Classifier or a person trained to classify matter containing TFNI is unable to locate a classification guide or classification bulletin that applies to the nuclear-related information within his or her programmatic expertise and does not have an applicable portion-marked source document to use for derivative classification, then he or she must contact the RDMO or an ARDMO for assistance. The RDMO/ARDMO may be aware of other classification guidance that could apply to the information.

(b) If no guidance is identified, the RDMO must forward the matter to the Director, Office of Classification, for a determination. Within 30 days, the Director, Office of Classification must:

(1) Determine whether the information is already classified as RD, FRD, or TFNI under current classification guidance and, if so, provide such guidance to the RDMO who forwarded the matter.

(2) If the information is not already classified as RD, FRD, or TFNI, the procedures for initially classifying information as RD, FRD, or TFNI under § 1045.70 must be followed. The Director, Office of Classification, must notify the RDMO of the results of the initial classification determination within 90 days of receiving the matter. Initial determinations must be incorporated into classified guides, as appropriate.

(c) Pending a determination, the matter under review must be protected at a minimum as Secret RD, Secret FRD, or Secret TFNI, as appropriate.

§ 1045.140 How is matter containing RD, FRD, or TFNI marked?

(a) Matter determined to contain RD, FRD, or TFNI must be clearly marked to convey to the holder of that matter that it contains such information.

(b) *Marking matter containing RD, FRD, or TFNI in the IC.* Matter generated by/for the IC containing RD, FRD, or TFNI must be marked in accordance with the requirements in this part as described in ICD 710 or successor directives, and the corresponding implementation directives and policy guidance issued or approved by the DNI concerning marking matter containing RD, FRD, and TFNI.

(c) *Working papers containing RD, FRD, or TFNI.* Prior to the determination that matter contains RD, FRD, or TFNI, it must be marked and protected as a working paper. Matter that has not been reviewed that potentially contains RD, FRD, or TFNI, or is expected to be revised prior to the preparation of a finished product that contains RD, FRD, or TFNI, must be dated when created or last changed, marked with the highest potential level and category of information (and caveats, when applicable) on the bottom and top of each page and must be protected at the highest potential level and category of the information contained in the matter. The matter must also be marked ''Draft'' or ''Working Paper'' on the front cover. The RD/FRD admonishment is not required. RD Derivative Classifier authority is not required to mark working papers containing RD or FRD. However, working papers containing RD or FRD must be reviewed by an RD Derivative Classifier, and working papers containing TFNI must be reviewed by a person trained to mark matter containing TFNI, and the matter must be marked as a final document when it is:

(1) Released outside the originating activity;

(2) Retained more than 180 days from the date of origin or the date of the last change; or

(3) Filed permanently.

(d) *RD and FRD markings.* An RD Derivative Classifier applies or authorizes the application of the following markings on matter determined to contain RD or FRD:

(1) *Front page.* The front page of matter containing RD or FRD must have the page/banner markings at the top and bottom, the RD or FRD admonishment, subject/title marking, and the classification authority block.

(i) *Front page/banner markings.* The top and bottom of the front page must clearly indicate the overall classification level of the matter. The classification category may also be included. No other markings are required in the page/banner marking.

(ii) *Admonishments.*

(A) If the matter contains RD or RD and FRD, use the following admonishment:

RESTRICTED DATA

This document contains RESTRICTED DATA as defined in the Atomic Energy Act of 1954, as amended. Unauthorized disclosure subject to administrative and criminal sanctions.

(B) If the document contains FRD and no RD, use the following admonishment:

FORMERLY RESTRICTED DATA

Unauthorized disclosure subject to administrative and criminal sanctions. Handle as RESTRICTED DATA in foreign dissemination. Section 144b, Atomic Energy Act of 1954, as amended.

(iii) *Subject/title marking.* The classification level and category of the text of the subject or title (*e.g.,* U, SRD, CFRD, S//RD, C//FRD) must be marked immediately preceding the text of the subject or title.

(iv) *Classification authority block.* The classification authority block for matter containing RD or FRD must identify the RD Derivative Classifier who classified the matter and the classification guidance used to classify the matter.

(A) *Identity of the RD Derivative Classifier.* The RD Derivative Classifier must be identified by name and position or title, and, if not otherwise evident, the agency and office of origin must be identified. An RD Derivative Classifier may also be identified by a unique identifier. For example:

Classified By: *Jane Doe, Nuclear Analyst, DOE, CTI–61*

(B) *Identity of classification guidance.* If a classification guide is used to classify the matter, the ''Derived From'' line must include the short title of the

guide, the issue date of the guide, the issuing agency and, when available, office of origin. For example:

Derived From: *CG–ABC–1, 10/16/2014, DOE OC*

If a source document is used to classify the matter, it must be identified, including the office of origin and the date of the source document. If more than one classification guide or source document is used, the words ''Multiple Sources'' may be included. In the case of multiple sources, a source list identifying each guide or source document must be included with all copies of the matter.

(C) *Declassification Instructions.* Matter containing RD or FRD are never automatically declassified and must either omit the ''Declassify On'' line, or indicate that the matter is exempt from automatic declassification (Not Applicable or N/A for RD/FRD, as appropriate).

(2) *Interior page/banner marking.* Each interior page of matter containing RD or FRD must be clearly marked at the top and bottom with the overall classification level and category of the matter or the overall classification level and category of the page, whichever is preferred. The abbreviations ''RD'' and ''FRD'' may be used in conjunction with the matter classification (*e.g.,* SECRET//RD, CONFIDENTIAL//FRD).

(3) *Back cover or back page marking.* The outside of the back cover or back page must be marked with the overall level of information in the matter.

(4) *Portion marking.* Other than the required subject/title marking, portion marking is permitted, but not required, for matter containing RD or FRD. Each agency that generates matter containing RD or FRD determines the policy for portion marking matter generated within the agency. If matter containing RD or FRD is portion marked, each portion containing RD or FRD must be marked with the level and category of the information in the portion (*e.g.,* SRD, CFRD, S//RD, C//FRD).

(e) *TFNI markings.* If matter contains RD or FRD commingled with TFNI, the RD or FRD markings take precedence. If matter contains TFNI and no RD or FRD a person who is trained to classify matter containing TFNI applies or authorizes the application markings on matter determined to contain TFNI in accordance with 32 CFR part 2001.22, or successor regulations, and with this part.

(1) *Front page.* If the matter contains TFNI and no RD or FRD, no admonishment is required on the front page, but the top and bottom of the front page must be clearly marked with the overall classification level and the TFNI label (*e.g.,* SECRET//TFNI).

(2) *Subject/title marking.* The classification level and category of the subject or title must be marked immediately preceding the text of the subject or title.

(3) *Portion marking.* Matter containing TFNI and no RD or FRD must be portion marked. Each portion containing TFNI must be marked immediately preceding the portion to which it applies with the level and category of the information in the portion (*e.g.,* S//TFNI).

(4) *Classification authority block.* The classifier and guidance used to classify matter containing TFNI must be identified as described in § 1045.40(d)(1)(iv)(A) and (B). In addition, the ''Declassify On'' line must be annotated with the statement: ''Not Applicable [or N/A] to TFNI portions.''

(5) *Interior pages.* If the matter contains TFNI and no RD or FRD, the top and bottom of each interior page must be clearly marked with the overall classification level and the TFNI label (*e.g.,* SECRET//TFNI) or the overall classification level for each page with the TFNI label included on only those pages that contain TFNI, whichever is preferred.

(6) *Back cover or back page marking.* If the matter contains TFNI and no RD or FRD, the top and bottom of the outside of the back cover or back page must be clearly marked with the overall classification level of information in the matter.

(f) *Commingled matter—NSI.* Matter that contains a mixture of RD, FRD, or TFNI and NSI, and is portion marked, must also comply with the following:

(1) *Declassification instructions.* If the matter is not portion marked, then no declassification instructions are included. If the matter is portion marked, declassification instructions for each portion must be included in a source list. See the paragraph (f)(2) and E.O. 13526 or successor orders for instructions on annotating the source list.

(2) *Source list.* The source list must include declassification instructions for all NSI sources used to classify the NSI portions. The declassification instructions for sources that are used to classify the RD, FRD, or TFNI portions must state ''Not applicable [or N/A] to RD/FRD/TFNI (as appropriate).'' The source list must not appear on the front page of the matter, unless the matter is a single page. If the matter is a single page, the source list may appear at the bottom of the page, and must be clearly separate from the classification authority block.

(g) *Commingled matter—CUI.*

(1) If matter containing RD and/or FRD and CUI is not portion marked, CUI markings are not required.

(2) *Applicable CUI Decontrol instructions.*

(i) If the matter contains RD or FRD and is not portion marked, then CUI decontrol instructions must not be included.

(ii) If the matter is portion marked and decontrol instructions are applied, the decontrol instructions for the CUI portions must not be on the front page. Where they appear, they must be clearly labeled as decontrol instructions for CUI.

(iii) If the matter contains TFNI, and decontrol instructions are applied, the decontrol instructions for the CUI portions must not be on the front page. Where they appear they must be clearly labeled as decontrol instructions for CUI.

(h) *Marking special format matter.* Standard RD, FRD, or TFNI markings must be applied to matter in special formats (*e.g.,* photographs, flash memory drives, compact discs, audio or video tapes) to the extent practicable. Regardless of the precise markings in such cases, any special format matter that contains RD, FRD, or TFNI must be marked so that both a person in physical possession of the matter and a person with access to the information in or on the matter are aware that it contains RD, FRD, or TFNI.

§ 1045.145 Who must review output from a classified IT system that is marked as RD, FRD, or TFNI?

If the output is a final product that has been reviewed by a person with appropriate authority, and is properly marked, or is a working paper that is properly marked, no additional review is required. Otherwise, the output must be reviewed in accordance with § 1045.30.

§ 1045.150 Can anyone remove the RD, FRD, or TFNI portions and markings to produce an NSI or unclassified version of the matter?

(a) No. Specific authority is required to remove RD, FRD, or TFNI portions from matter. The authority required depends on whether the matter is intended for public release, the category of information in the matter, and whether the matter is portion marked.

(b) *If the resulting or new matter is intended for public release.* An RD Derivative Classifier or a person trained to classify matter containing TFNI does not have the authority to remove the RD, FRD, or TFNI portions or markings for matter intended for public release. The matter must be submitted in accordance with § 1045.125 to the appropriate

agency who will review the matter and remove the RD, FRD, or TFNI portions and markings.

(c) *If the resulting matter is not intended for public release.*

(1) An RD Derivative Classifier may remove the portions marked as containing RD or FRD and remove the RD or FRD markings.

(2) A person trained in accordance with § 1045.120(e) may remove the portions containing TFNI and the TFNI markings.

(3) In all cases under § 1045.150(b) this may be done only if the matter is originated by the authorized person's agency and the matter is portion marked, and the resulting matter is reviewed to ensure it does not contain RD, FRD, or TFNI by a person authorized to review the matter.

§ 1045.155 How is matter marked as containing RD, FRD, or TFNI declassified?

(a) RD, FRD, and TFNI are never automatically declassified. No date or event for automatic declassification ever applies to RD, FRD, or TFNI, even when commingled with NSI. It takes positive action by an authorized person to declassify matter potentially containing or marked as containing RD, FRD, or TFNI.

(b) Only authorized persons within DOE may declassify matter marked as RD or TFNI and only authorized persons within DOE or DoD may declassify matter marked as FRD. Only these same persons may identify the portions of classified matter that contain RD, FRD, or TFNI that must be redacted prior to public release.

(c) *Declassification of matter containing RD or TFNI.* Except as allowed under paragraph (c) of this section only designated persons in DOE may declassify matter marked as containing RD or TFNI, or identify the RD or TFNI portions of matter that must be removed from the matter prior to public release. Such determinations must be based on classification guides.

(d) *Declassification of matter containing FRD.* Except as allowed under paragraph (c) of this section, only designated persons in DOE or appropriate persons in DoD (as specified in DoD Instruction 5210.02 or subsequent instructions) may declassify matter marked as containing FRD or determine the FRD portions of matter that must be removed prior to public release. Such determinations must be based on classification guides.

(e) *Delegation of declassification authority.* The Director, Office of Classification, may delegate declassification authority for matter containing RD and TFNI to other agencies Federal and contractor personnel. The Director, Office of Classification, or an appropriate person in DoD (as specified in DoD Instruction 5210.02 or subsequent instructions) may delegate declassification authority for matter containing FRD to qualified Federal or contractor personnel in other agencies.

§ 1045.160 When the RD, FRD, or TFNI is removed from matter, what action must be taken if the matter still contains NSI?

When an appropriate authority removes the RD, FRD, or TFNI from matter and it still contains NSI, the matter must be marked following E.O. 13526 and 32 CFR part 2001 or successor orders and regulations, including portion marking if the matter was not previously portion marked, and the classification authority block of the matter must be changed to contain declassification instructions for the NSI. This does not apply to matter produced as part of the coordination process for declassification or public release reviews.

§ 1045.165 Once matter marked as RD, FRD, or TFNI is declassified, how is it marked?

(a) Matter that is determined to no longer contain RD, FRD, or TFNI and also does not or no longer contains NSI must be clearly marked to convey to the holder of that matter that the matter is declassified;

(b) The front page must identify the person authorizing the declassification by name and position or title, if not otherwise evident, agency, and office of origin; or with a unique identifier; the classification guide that served as the basis for the declassification by short title, date, agency and, when available, the office of origin; and the declassification date. For example:

(1) Declassified by: *Jane Doe, Nuclear Analyst, DOE, CTI–61*

(2) Derived from: *CG–ABC–1, 10/16/2014, DOE OC*

(3) Declassified on: *20201009*

(c) The person authorizing the declassification must line through but not obliterate the classification markings and apply or authorize the application of the appropriate markings.

Subpart E—Government-Wide Procedures for Handling Freedom of Information Act (FOIA) and Mandatory Declassification Review (MDR) Requests for Matter Marked as or Potentially Containing RD, FRD, or TFNI

§ 1045.170 What is the purpose of this subpart?

This subpart contains requirements that apply when Federal agencies other than DOE receive FOIA or MDR requests for matter that is marked as or potentially contains RD, FRD, or TFNI. RD, FRD, and TFNI are classified under the Atomic Energy Act and are not subject to the provisions governing MDR requests under E.O. 13526 or successor orders. To ensure RD, FRD, and TFNI are considered and appropriately reviewed when requested under a FOIA or MDR request, this section describes the process Federal agencies must follow for FOIA and MDR requests for matter that is marked as or potentially contains RD, FRD, or TFNI.

§ 1045.175 How must agencies process FOIA and MDR requests for matter that is marked as or potentially contains RD, FRD, or TFNI?

(a) When an agency receives a FOIA or MDR request for which any responsive matter is marked as or potentially contains RD, FRD, or TFNI, the agency must forward the matter to the appropriate agency as follows:

(1) Forward any matter marked as or potentially containing RD or TFNI to the Director, Office of Classification or a DOE official granted authority by delegation, regulation, or DOE directive.

(2) Forward any matter originated by DOE and marked as or potentially containing FRD to either the Director, Office of Classification or a DOE official granted authority by delegation, regulation, or DOE directive. Forward any matter originated by DoD and marked as or potentially containing FRD to the appropriate DoD program (as specified in DoD Manual 5400.07, DoD Freedom of Information Act (FOIA) Program, subsequent manuals, or other applicable manuals). Matter not originated by DOE or DoD may be submitted to either agency as provided in this paragraph.

(b) DOE and DoD must coordinate the review of matter marked as or potentially containing RD and FRD, when appropriate. DOE and the DNI must coordinate the review of matter marked as or potentially containing TFNI, when appropriate.

(c) DOE, DoD, or the DNI may refuse to confirm or deny the existence or nonexistence of the requested matter

whenever the fact of its existence or nonexistence is itself classified as RD, FRD, or TFNI.

(d) If the information contained in the requested matter has been reviewed for declassification within the past 2 years, another review need not be conducted, but instead the agency may inform the requester of this fact and of the results of the prior review decision.

(e) When paragraph (c) or (d) of this section do not apply, the appropriate DOE or DoD authority must conduct a line-by-line review of matter forwarded under paragraph (a); identify the information that is classified under current classification guidance as RD, FRD, or TFNI; and respond to the agency that forwarded the matter. The response to the agency who forwarded the request must identify the RD, FRD, or TFNI that is exempt from public release; provide the FOIA exemption or appropriate MDR notation for the RD, FRD, or TFNI withheld; identify the Denying Official for the RD, FRD, or TFNI withheld; and explain the applicable appeal procedures identified in § 1045.180.

(1) The Denying Officials are as follows:

(i) The Denying Official for matter containing RD or TFNI is the Director, Office of Classification.

(ii) The Denying Official for matter containing FRD is the Director, Office of Classification, or the appropriate DoD Component's Initial Denying Authority (as specified in applicable DoD manuals).

(iii) The Denying Official for Naval Nuclear Propulsion Information is the National Nuclear Security Administration (NNSA) Deputy Director, Deputy Administrator for Naval Reactors.

(f) Upon receipt of the response from DOE or DOD, the agency processing the initial request must inform the requester of the results of the review; provide the name of the Denying Official identified for any RD, FRD, or TFNI withheld; and advise the requester of his or her appeal rights concerning the RD, FRD, or TFNI.

§ 1045.180 What is the procedure if an agency receives an appeal to a FOIA or MDR concerning the denial of RD, FRD, or TFNI?

(a) If an agency receives a FOIA appeal for RD, FRD, or TFNI denied by DOE, the appeal must be submitted to the DOE Director, Office of Hearings and Appeals as required under 10 CFR 1004.8. If an agency receives a FOIA appeal for FRD denied by DoD, it must be submitted to DoD in accordance with applicable DoD FOIA regulations or instructions.

(b) Appeals of MDR responses when DOE denied RD, FRD, or TFNI may be submitted to the agency that replied to the initial MDR request or directly to DOE.

(1) When an appeal concerning DOE-withheld RD, FRD, or TFNI is sent to the agency that replied to the initial MDR request, the agency must forward the appeal to the Associate Under Secretary of Environment, Health, Safety and Security at the following address: Associate Under Secretary for Environment, Health, Safety and Security, AU–1/Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585. The appeal must be received by the agency who replied to the initial request within 60 days of receipt of the denial and contain the information required under § 1045.210(b).

(2) When sent directly to DOE, the appeal must be received by the Associate Under Secretary for Environment, Health, Safety and Security within 60 days of the denial and contain the information required under § 1045.210(b).

(3) MDR appeals received by DOE are processed consistent with § 1045.220.

(c) If an agency receives an MDR appeal for FRD withheld by DoD, the agency must submit the appeal to the appropriate DoD Component as identified in applicable DoD manuals.

(d) The MDR appeal authorities for RD, FRD, or TFNI are as follows:

(1) The MDR appeal authority for RD and TFNI is the Associate Under Secretary for Environment, Health, Safety and Security.

(2) The MDR appeal authority for FRD is the Associate Under Secretary for Environment, Health, Safety and Security or the appropriate DoD Component appellate authority.

(3) The appeal authority for Naval Nuclear Propulsion Information is the NNSA Deputy Administrator for Naval Reactors.

(e) *Final Appeal.* The classification and declassification of RD, FRD, and TFNI is governed by the AEA and this part and is not subject to E.O. 13526 or successor orders. Therefore, appeal decisions by the Associate Under Secretary for Environment, Health, Safety and Security, for RD, FRD, and TFNI and appeal decisions by the appropriate DoD Component appellate authority for FRD are final agency decisions and are not subject to review by ISCAP. However, if matter containing RD, FRD, or TFNI also contains NSI, the NSI portions may be appealed to the ISCAP. Prior to submission to ISCAP, the RD, FRD, or TFNI portions must be deleted.

(f) *Declassification proposals resulting from appeal reviews.* The appeal review of RD, FRD, and TFNI withheld from a requester is based on current classification guidance. However, as part of the appeal review, the withheld information must be reviewed to determine if it may be a candidate for possible declassification. If declassification of the information appears to be appropriate, then a declassification proposal must be initiated, and the requester must be advised that additional information will be available if the declassification proposal is approved.

Subpart F—DOE-Specific Procedures for MDR Requests

§ 1045.185 What is the purpose of this subpart?

This subpart describes the process for MDR requests submitted for DOE matter classified under E.O. 13526 or successor orders, and the Atomic Energy Act.

§ 1045.190 How does the public submit an MDR for DOE classified matter?

(a) DOE matter marked as containing NSI, RD, FRD, or TFNI is subject to review for declassification by DOE if the request for a declassification review describes the matter containing the information with sufficient specificity to enable DOE to locate it with a reasonable amount of effort.

(b) The request must be sent to the Director, Office of Classification, AU–60/Germantown Building, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585.

§ 1045.195 Is any matter exempt from MDR requests?

(a) MDR requests are not accepted for:

(1) Matter containing RD technical engineering, blueprints, and design regarding nuclear weapons, if they contain no NSI.

(2) Matter required to be submitted for prepublication review or other administrative process pursuant to an approved nondisclosure agreement;

(3) Matter that is the subject of pending litigation; or

(4) Any matter contained within an operational file exempted from search and review, publication, and disclosure under the FOIA in accordance with law.

(b) Current Presidential records as described in section 3.5(b) of E.O. 13526 or successor orders that are in the custody of DOE are exempt from release in response to an MDR request.

§ 1045.200 Is there a cost for an MDR review?

Yes. The fees for an MDR are the same as for providing records under the FOIA as defined in 10 CFR 1004.9.

§ 1045.205 How does DOE conduct an MDR review?

(a) If DOE has reviewed the information contained in the requested matter for declassification within the past 2 years, DOE need not conduct another review. DOE may instead inform the requester of this fact and of the prior review decision, as well as advise the requester of his or her appeal rights as provided in § 1045.210.

(b) DOE performs an MDR as follows:

(1) Conducts a line-by-line review of the matter;

(2) Coordinates the review with appropriate programs and agencies, as necessary;

(3) Identifies and withholds any information that meets the standards for classification;

(4) Declassifies any NSI that no longer meets the standards for classification under E.O. 13526 or successor orders and any RD, FRD, or TFNI that no longer meets the standards for classification under this part;

(5) If the matter also contains unclassified information that is potentially exempt from release under the FOIA, the matter is further processed to ensure unclassified information that is exempt from public release is identified and that the appropriate officials responsible for denying any unclassified portion of the matter are provided and listed with the notice of denial.

(6) Upon completion of the review, releases the matter to the requester unless withholding is authorized by law. If NSI, RD, FRD, or TFNI, is withheld, the response must advise the requester of his or her appeal rights under § 1045.210.

§ 1045.210 How does a person submit an appeal if DOE withholds classified information in an MDR response?

(a) When the Director, Office of Classification, denies NSI, RD, FRD, or TFNI, or the NNSA Deputy Director, Deputy Administrator for Naval Reactors, denies Naval Nuclear Propulsion information, in matter requested under an MDR, the requester may appeal the determination to the Associate Under Secretary for Environment, Health, Safety and Security. The appeal must be received within 60 days of the receipt of the denial.

(b) The appeal must be in writing and submitted to the Associate Under Secretary for Environment, Health, Safety and Security, AU–1/Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585. The appeal:

(1) Must contain a concise statement of grounds upon which it is brought, and a description of the relief sought.

(2) Must include a copy of the letter containing the determination being appealed.

(3) Should include a discussion of all relevant authorities that include but are not limited to DOE (and predecessor agencies) rulings, regulations, interpretations, and decisions on appeals, as well as any judicial determinations being relied upon to support the appeal.

§ 1045.215 How does DOE process an MDR appeal for DOE matter containing NSI?

(a) An appeal for NSI requested under the provisions of E.O. 13526 or successor orders is processed as follows:

(1) The Associate Under Secretary for Environment, Health, Safety and Security must act upon the appeal within 60 working days of its receipt. If no determination on the appeal has been issued at the end of this 60-day period, the requester may consider his or her administrative remedies to be exhausted and may seek a review by the ISCAP. When no determination can be issued within the applicable time limit, the appeal must nevertheless continue to be processed. On expiration of the time limit, DOE must inform the requester of the reason for the delay, of the date on which a determination may be expected to be issued, and of the requester's right to seek further review by the ISCAP. Nothing in this subpart precludes the appeal authority and the requester from agreeing to an extension of time for the decision on an appeal. The Associate Under Secretary for Environment, Health, Safety and Security must confirm any such agreement in writing and clearly specify the total time agreed upon for the appeal decision.

(2) The Associate Under Secretary for Environment, Health, Safety and Security's action on an appeal must be in writing and set forth the reason for the decision. DOE may refuse to confirm or deny the existence or nonexistence of requested information whenever the fact of its existence or nonexistence is itself classified under E.O. 13526 or successor orders.

(3) *Right of final appeal.* The requester has the right to appeal a final DOE decision, or a failure to provide a determination on an appeal within the allotted time, to the ISCAP for those appeals dealing with NSI. In cases where NSI documents also contain RD, FRD, or TFNI, the portions of the document containing RD, FRD, or TFNI must be deleted prior to forwarding the NSI and unclassified portions to the ISCAP for review.

§ 1045.220 How does DOE process an MDR appeal for matter containing RD, FRD, or TFNI?

(a) Final appeals for DOE matter containing RD, FRD, or TFNI are submitted to the Associate Under Secretary for Environment, Health, Safety and Security. The Associate Under Secretary for Environment, Health, Safety and Security will coordinate appeals concerning Naval Nuclear Propulsion Information with the NNSA Deputy Administrator for Naval Reactors.

(b) The classification and declassification of RD, FRD, and TFNI is governed by the AEA and this part and is not subject to E.O. 13526 or successor orders. Therefore, appeal decisions concerning RD, FRD, or TFNI by the Associate Under Secretary for Environment, Health, Safety and Security, or the NNSA Deputy Administrator for Naval Reactors are not subject to review by ISCAP.

§ 1045.225 Are DOE responses to MDR requests available to the public?

Yes. Once the classified and unclassified information exempt from public release is redacted, DOE responses to MDR requests, as well as FOIA requests for matter containing classified information, are posted on DOE's OpenNet System at: *https://www.osti.gov/opennet/.*

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The President

Proclamation 9727—Death of Barbara Bush

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Presidential Documents

Title 3—

The President

Proclamation 9727 of April 17, 2018

Death of Barbara Bush

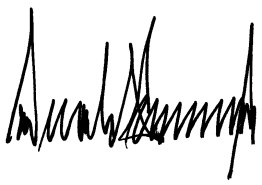
By the President of the United States of America

A Proclamation

On this solemn day, we mourn the loss of Barbara Bush, an outstanding and memorable woman of character. As a wife, mother, grandmother, great-grandmother, military spouse, and former First Lady, Mrs. Bush was an advocate of the American family. Mrs. Bush lived a life that reminds us always to cherish our relationships with friends, family, and all acquaintances. In the spirit of the memory of Mrs. Bush, may we always remember to be kind to one another and to put the care of others first.

As a mark of respect for the memory of Barbara Bush, I hereby order, by the authority vested in me by the Constitution and the laws of the United States of America, that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, on the day of interment. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth 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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