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

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

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 303, 308, 324, 325, 327, 333, 337, 347, 349, 360, 362, 363, 364, 365, and 390

RIN 3064–AE51

Regulatory Capital Rules: Removal of Certain Capital Rules That Are No Longer Effective Following the Implementation of the Revised Capital Rules

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: This final rule rescinds certain capital regulations of the FDIC's codified rules (superseded capital rules) that were no longer effective following the January 1, 2015 implementation of the revised capital rules. The final rule also makes conforming changes to sections in the FDIC's codified rules that refer to the superseded capital rules. The FDIC has concluded that good cause exists to publish this rule as final without a period of notice and comment and with an effective date as of the date of its publication in the **Federal Register** because this final rule rescinds the superseded capital rules and other sections of the FDIC's codified rules that refer to the superseded capital rules and imposes no new requirement on FDIC-supervised institutions.

DATES: The final rule is effective April 24, 2018.

FOR FURTHER INFORMATION CONTACT: Benedetto Bosco, Chief, Capital Policy Section; *bbosco@fdic.gov,* Capital Markets Branch, Division of Risk Management Supervision, (202) 898–6888; Catherine Wood, Counsel, *cawood@fdic.gov;* Michael Phillips, Supervisory Counsel, *mphillips@fdic.gov,* Supervision and Legislation Branch, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

I. Background

In 2014, the FDIC comprehensively revised and strengthened its capital regulations applicable to FDIC-supervised institutions (revised capital rule).[1] The revised capital rule was codified in part 324 of the FDIC's codified rules (effective January 1, 2014, for advanced approaches banking organizations) and was effective for all non-advanced approaches FDIC-supervised institutions on January 1, 2015. Before the effective dates of the revised capital rule, FDIC-supervised institutions were subject to the superseded capital rules in part 325 and subparts Y and Z of part 390 of the FDIC's codified rules. The superseded capital rules remain in the Code of Federal Regulations (CFR), even though they were no longer effective for any FDIC-supervised institution since January 1, 2015. Maintaining the superseded capital rules in the FDIC's codified rules could result in confusion and therefore this final rule removes the superseded capital rules.

II. Description of the Final Rule

The final rule rescinds part 325, subpart A—Minimum Capital Requirements, subpart B—Prompt Corrective Action and appendices A through D, as the rules contained therein have been superseded by part 324. Under the final rule, the annual stress testing rule will remain in part 325. Part 325 will be retitled to Annual Stress Test and the stress testing rule will be renumbered to reflect the removed capital rules. Similarly, the final rule removes the superseded capital rules contained in part 390 subpart Y—Prompt Corrective Action and part 390, subpart Z—Capital and related appendices. Under the final rule, sections in part 390 that are not removed will remain codified in part 390, including certain enforcement authorities related to savings association's capital requirements. The final rule also makes conforming technical changes to provisions of the FDIC's codified rules that refer to part 325 for state nonmember banks and subparts Y and Z of part 390 for state savings associations in conjunction with the FDIC's capital rules. However, this final rule does not impact the legal status of any reference to the superseded capital rules in outstanding compliance and enforcement orders, agreements, and memoranda of understanding entered into by the FDIC prior to the effective date of this final rule. Regardless of whether an outstanding enforcement order refers to the superseded capital rule, all FDIC-supervised institutions are subject to the revised capital rule and must be in compliance with the minimum capital requirements in part 324.[2]

III. Administrative Procedure Act

The Administrative Procedure Act (APA) does not require an agency to publish a notice of proposed rulemaking (NPR) in the **Federal Register** if an ''agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.''[3] The FDIC finds that for purposes of the rescission of the superseded capital rules, good cause exists to not publish a notice of proposed rulemaking in the **Federal Register** and, therefore, is issuing this rule as a final rule. The FDIC believes that a notice of proposed rulemaking is unnecessary for such purposes because the FDIC published three NPRs and an interim final rule for comment before issuing the revised capital rules in 2014.[4] The comment period for those NPRs and interim final rule provided sufficient public notice that the revised

[1] 79 FR 20754 (April 14, 2014).

[2] Generally FDIC-supervised institutions can demonstrate compliance with outstanding enforcement orders referencing the superseded capital rule by calculating their capital ratios under the revised capital rule. The FDIC made a finding during the interagency capital rulemaking process in 2013 that the revised capital rule is more stringent than the superseded capital rule. Therefore, an FDIC-supervised institution subject to an enforcement order under the superseded capital rule may demonstrate its compliance using its ratios as calculated under the revised capital rule.

[3] 5 U.S.C. 553(b).

[4] Concerning the NPRs for the revised capital rules, *see* 77 FR 52792 (August 30, 2012); 77 FR 52888 (August 30, 2012); 77 FR 52978 (August 30, 2012). The interim final rule for the revised capital rules was issued in September 10, 2013 (78 FR 55340). In the preamble to the interim final rule, the FDIC stated: ''The interim final rule will replace the FDIC's general risk-based capital rules, advanced approaches rule, market risk rule, and leverage rules in accordance with the transition provisions described below.'' Also, section 324.1(f) of the revised capital rules states the timing for the implementation of the revised capital rules. *See* 12 CFR 324.1(f).

capital rules would replace the superseded capital rules for all FDIC-supervised institutions as of January 1, 2015. This final rule solely removes the obsolete provisions of, and references to, the superseded capital rules in the CFR and imposes no new requirement on FDIC-supervised institutions. Accordingly, the FDIC concludes that good cause exists to publish the rule as final without a notice and opportunity to comment.

Section 553(d)(3) of the APA provides that, for good cause found and published with the rule, an agency does not have to comply with the requirement that a substantive rule be published not less than 30 days before its effective date.[5] The final rule will be effective immediately upon its publication in the **Federal Register**. The FDIC invokes the good cause exception to the APA's 30-day publication requirement for the reasons discussed above.

IV. Regulatory Analyses

A. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), requires an agency, in connection with a notice of proposed rulemaking, to prepare an Initial Regulatory Flexibility Analysis describing the impact of the proposed rule on small entities (defined by the Small Business Administration for purposes of the RFA to include banking entities with total assets of $550 million or less) or to certify that the proposed rule would not have a significant economic impact on a substantial number of small entities. The RFA also requires an agency, in connection with a final rule, to prepare a Final Regulatory Flexibility Act (FRFA) analysis describing the impact of the final rule on small entities. Neither an IRFA nor FRFA is required, however, if the rule is issued under the APA provision allowing the agency to forego notice and comment rulemaking for good cause. Therefore, the FDIC has not prepared either an IRFA or an FRFA in connection with this final rule. Nevertheless, the FDIC notes that the final rule does not impose any burden on small banking entities as it only rescinds obsolete provisions in the FDIC's CFR.

B. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), the FDIC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The FDIC reviewed the rule and determined that it does not create any new, or revise any existing, collection of information under section 3504(h) of the Paperwork Reduction Act of 1980. Consequently, no information collection request will be submitted to the OMB for review.

C. Small Business Regulatory Enforcement Fairness Act

The Office of Management and Budget has determined that the final rule is not a ''major rule'' within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II, Pub. L. 104–121).

D. The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

The FDIC has determined that the final rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (Pub. L. 105–277, 112 Stat. 2681).

E. Plain Language

Section 722 of the Gramm-Leach-Bliley Act requires the federal banking agencies to use plain language in all final rules published after January 1, 2000. The FDIC has sought to present the final rule in a simple and straightforward manner.

F. Riegle Community Development and Regulatory Improvement Act of 1994

Under the Riegle Community Development and Regulatory Improvement Act of 1994, 12 U.S.C. 4802, (RCDRIA), there is a requirement that ''[n]ew regulations and amendments to regulations prescribed by a Federal banking agency which impose additional reporting, disclosures, or other new requirements on insured depository institutions shall take effect on the first day of a calendar quarter which begins on or after the date on which the regulations are published in final form'' absent a good cause determination by the agency.[6] The final rule imposes no additional reporting, disclosure, or other new requirements on insured depository institutions and therefore is not subject to the effective date requirement in RCDRIA.

List of Subjects

12 CFR Part 303

Administrative practice and procedure, Bank deposit insurance, Banks, banking, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 308

Administrative practice and procedure, Bank deposit insurance, Banks, banking, Claims, Crime, Equal access to justice, Fraud, Investigations, Lawyers, Penalties.

12 CFR Part 324

Administrative practice and procedure, Banks, banking, Reporting and recordkeeping requirements, Savings associations.

12 CFR Part 325

Banks, banking, Reporting and recordkeeping requirement.

12 CFR Part 327

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12 CFR Part 333

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12 CFR Part 337

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12 CFR Part 349

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12 CFR Part 360

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12 CFR Part 362

Administrative practice and procedure, Authority delegations (Government agencies), Bank deposit insurance, Banks, banking, Investments, Reporting and recordkeeping requirements.

12 CFR Part 363

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12 CFR Part 364

Banks, banking, Information.

[5] 5 U.S.C. 553(d)(3).

[6] 12 U.S.C. 4802(b).

12 CFR Part 365

Banks, banking, Mortgages.

12 CFR Part 390

Administrative practice and procedure, Advertising, Aged, Civil rights, Conflict of interests, Credit, Crime, Equal employment opportunity, Fair housing, Government employees, Individuals with disabilities, Reporting and recordkeeping requirements, Savings associations.

Authority and Issuance

For the reasons stated in the preamble, the Federal Deposit Insurance Corporation amends 12 CFR parts 303, 308, 324, 325, 327, 333, 337, 347, 349, 360, 362, 363, 364, 365, and 390 as follows:

PART 303—FILING PROCEDURES

■ 1. The authority citation for part 303 continues to read as follows:

Authority: 12 U.S.C. 378, 1464, 1813, 1815, 1817, 1818, 1819(a) (Seventh and Tenth), 1820, 1823, 1828, 1831a, 1831e, 1831o, 1831p–1, 1831w, 1835a, 1843(l), 3104, 3105, 3108, 3207; 5414; 15 U.S.C. 1601–1607.

■ 2. Section 303.2 is amended by revising paragraphs (b), (ee), and (ff) to read as follows:

§ 303.2 Definitions.

* * * * *

(b) *Adjusted part 324 total assets* means adjusted 12 CFR part 324 total assets as calculated and reflected in the FDIC's Report of Examination.

* * * * *

(ee) *Tier 1 capital* shall have the same meaning as provided in § 324.2 of this chapter.

(ff) *Total assets* shall have the same meaning as provided in § 324.401(g) of this chapter.

* * * * *

■ 3. Section 303.64 is amended by revising paragraph (a)(4)(i) to read as follows:

§ 303.64 Processing.

(a) * * *

(4) * * *

(i) Immediately following the merger transaction, the resulting institution will be well-capitalized pursuant to subpart H of part 324 of this chapter (12 CFR part 324); and

* * * * *

■ 4. Section 303.181 is amended by revising paragraph (c)(4) to read as follows:

§ 303.181 Definitions.

* * * * *

(c) * * *

(4) Is well-capitalized as defined in subpart H of part 324 of this chapter; and

* * * * *

■ 5. Section 303.184 is amended by revising paragraph (d)(1)(ii) to read as follows:

§ 303.184 Moving an insured branch of a foreign bank.

* * * * *

(d) * * *

(1) * * *

(ii) The applicant is at least adequately capitalized as defined in subpart H of part 324 of this chapter;

* * * * *

■ 6. Section 303.200 is amended by revising paragraphs (a)(2) and (b) to read as follows:

§ 303.200 Scope.

(a) * * *

(2) Definitions of the capital categories referenced in this Prompt Corrective Action subpart may be found in subpart H of part 324 of this chapter.

(b) *Institutions covered.* Restrictions and prohibitions contained in subpart H of part 324 of this chapter apply primarily to state nonmember banks and insured branches of foreign banks, as well as to directors and senior executive officers of those institutions. Portions of subpart H of part 324 of this chapter also apply to all insured depository institutions that are deemed to be critically undercapitalized.

* * * * *

■ 7. Section 303.241 is amended by revising paragraph (c)(4) to read as follows:

§ 303.241 Reduce or retire capital stock or capital debt instruments.

* * * * *

(c) * * *

(4) If the proposal involves a series of transactions affecting Tier 1 capital components which will be consummated over a period of time which shall not exceed twelve months, the application shall certify that the insured depository institution will maintain itself as a well-capitalized institution as defined in part 324 of this chapter both before and after each of the proposed transactions;

* * * * *

PART 308—RULES OF PRACTICE AND PROCEDURE

■ 8. The authority citation for part 308 continues to read as follows:

Authority: 5 U.S.C. 504, 554–557; 12 U.S.C. 93(b), 164, 505, 1464, 1467(d), 1467a, 1468, 1815(e), 1817, 1818, 1819, 1820, 1828, 1829, 1829b, 1831i, 1831m(g)(4), 1831o, 1831p–1, 1832(c), 1884(b), 1972, 3102, 3108(a), 3349, 3909, 4717, 5412(b)(2)(C), 5414(b)(3); 15 U.S.C. 78(h) and (i), 78o(c)(4), 78o–4(c), 78o–5, 78q–1, 78s, 78u, 78u–2, 78u–3, 78w, 6801(b), 6805(b)(1); 28 U.S.C. 2461 note; 31 U.S.C. 330, 5321; 42 U.S.C. 4012a; Pub.L. 104–134, sec. 3100(s), 110 Stat. 1321; Pub.L. 109–351, 120 Stat. 1966; Pub. L. 111–203, 124 Stat. 1376; Pub.L. 114–74, sec. 701, 129 Stat. 584.

■ 9. Section 308.200 is revised to read as follows:

§ 308.200 Scope.

The rules and procedures set forth in this subpart apply to banks, insured branches of foreign banks and senior executive officers and directors of banks that are subject to the provisions of section 38 of the Federal Deposit Insurance Act (section 38) (12 U.S.C. 1831o) and subpart H of part 324 of this chapter.

■ 10. Section 308.202 is amended by revising paragraphs (a)(1)(i)(A) and (a)(1)(ii) to read as follows:

§ 308.202 Procedures for reclassifying a bank based on criteria other than capital.

(a) * * *

(1) * * *

(i) *Grounds for reclassification.* (A) Pursuant to § 324.403(d) of this chapter, the FDIC may reclassify a well-capitalized bank as adequately capitalized or subject an adequately capitalized or undercapitalized institution to the supervisory actions applicable to the next lower capital category if:

(*1*) The FDIC determines that the bank is in unsafe or unsound condition; or

(*2*) The FDIC, pursuant to section 8(b)(8) of the FDI Act (12 U.S.C. 1818(b)(8)), deems the bank to be engaged in an unsafe or unsound practice and not to have corrected the deficiency.

* * * * *

(ii) *Prior notice to institution.* Prior to taking action pursuant to § 324.403(d) of this chapter, the FDIC shall issue and serve on the bank a written notice of the FDIC's intention to reclassify it.

* * * * *

■ 11. Section 308.204 is amended by revising paragraphs (b)(2) and (c) to read as follows:

§ 308.204 Enforcement of directives.

* * * * *

(b) * * *

(2) *Failure to implement capital restoration plan.* The failure of a bank to implement a capital restoration plan required under section 38, or subpart H of part 324 of this chapter, or the failure of a company having control of a bank

to fulfill a guarantee of a capital restoration plan made pursuant to section 38(e)(2) of the FDI Act shall subject the bank to the assessment of civil money penalties pursuant to section 8(i)(2)(A) of the FDI Act.

(c) *Other enforcement action.* In addition to the actions described in paragraphs (a) and (b) of this section, the FDIC may seek enforcement of the provisions of section 38 or subpart H of part 324 of this chapter through any other judicial or administrative proceeding authorized by law.

* * * * *

PART 324—CAPITAL ADEQUACY OF FDIC-SUPERVISED INSTITUTIONS

■ 12. 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).

■ 13. Section 324.22 is amended by revising footnote 22 in paragraph (b)(2)(iii) to read as follows:

§ 324.22 Regulatory capital adjustments and deductions.

* * * * *

(b) * * *

(2) * * *

(iii) * * *

[22] These rules include the regulatory capital requirements set forth at 12 CFR part 3 (OCC); 12 CFR part 217 (Board); 12 CFR part 324 (FDIC).

* * * * *

PART 325—ANNUAL STRESS TEST

■ 14. The authority citation for part 325 continues to read as follows:

Authority: 12 U.S.C. 5365(i)(2), 12 U.S.C. 5412(b)(2)(C), 12 U.S.C. 1818, 12 U.S.C. 1819(a)(Tenth), 12 U.S.C. 1831o, and 12 U.S.C. 1831p–1.

■ 15. The heading for part 325 is revised to read as set forth above.

Subparts A and B [Removed]

■ 16. Remove subparts A and B.

Subpart C [Amended]

■ 17. Remove the heading for subpart C.

§§ 325.201 through 325.207 [Redesignated as §§ 325.1 through 325.7]

■ 18. Redesignate §§ 325.201 through 325.207 as §§ 325.1 through 325.7, respectively.

■ 19. Amend newly redesignated § 325.1 by revising paragraph (c)(5) to read as follows:

§ 325.1 Authority, purpose, and reservation of authority.

* * * * *

(c) * * *

(5) Notice and comment procedures: In exercising its authority to require different or additional stress tests and different or additional scenarios (including components for the scenarios) under paragraph (c)(2) of this section, the Corporation will apply notice and response procedures in the same manner and to the same extent as the notice and response procedures in 12 CFR 324.5, as appropriate.

* * * * *

Appendices A, B, C, and D [Removed]

■ 20. Remove appendices A, B, C, and D.

PART 327—ASSESSMENTS

■ 21. The authority citation for part 327 continues to read as follows:

Authority: 12 U.S.C. 1441, 1813, 1815, 1817–19, 1821.

■ 22. Appendix A to subpart A of part 327 is amended by revising footnote 5 in section VI to read as follows:

Appendix A to Subpart A of Part 327—Method to Derive Pricing Multipliers and Uniform Amount

* * * * *

VI. * * *

[5] *Market risk* is defined in 12 CFR 324.202.

■ 23. Appendix C to subpart A of part 327 is amended by revising the appendix heading and the first and second sentences in the first paragraph in section I.A.5 to read as follows:

Appendix C to Subpart A to Part 327—Description of Concentration Measures

I. * * *

A. * * *

5. * * *

Higher-risk securitizations are defined as securitization exposures (except securitizations classified as trading book), where, in aggregate, more than 50 percent of the assets backing the securitization meet either the criteria for higher-risk C & I loans or securities, higher-risk consumer loans, or nontraditional mortgage loans, except those classified as trading book. A securitization exposure is as defined in 12 CFR 324.2, as it may be amended from time to time. * * *

* * * * *

PART 333—EXTENSION OF CORPORATE POWERS

■ 24. The authority citation for part 333 continues to read as follows:

Authority: 12 U.S.C. 1816, 1818, 1819 (''Seventh'', ''Eighth'' and ''Tenth''), 1828, 1828(m), 1831p–1(c).

■ 25. Section 333.4 is amended by revising the fourth sentence in paragraph (a) to read as follows:

§ 333.4 Conversions from mutual to stock form.

(a) *Scope.* * * * As determined by the Board of Directors of the FDIC on a case-by-case basis, the requirements of paragraphs (d), (e), and (f) of this section do not apply to mutual-to-stock conversions of insured mutual state savings banks whose capital category under § 324.403 of this chapter is ''undercapitalized'', ''significantly undercapitalized'' or ''critically undercapitalized''. * * *

* * * * *

PART 337—UNSAFE AND UNSOUND BANKING PRACTICES

■ 26. The authority citation for part 337 continues to read as follows:

Authority: 12 U.S.C. 375a(4), 375b, 1463(a)(1), 1816, 1818(a), 1818(b), 1819, 1820(d), 1828(j)(2), 1831, 1831f, 5412.

■ 27. Section 337.6 is amended by revising footnote 12 in paragraph (a)(3)(i) and the second sentence in footnote 13 in paragraph (a)(3)(iii) to read as follows:

§ 337.6 Brokered deposits.

* * * * *

(a) * * *

(3) * * *

(i) * * *

[12] For the most part, the capital measure terms are defined in the following regulations: FDIC—12 CFR part 324, subpart H; Board of Governors of the Federal Reserve System—12 CFR part 208; and Office of the Comptroller of the Currency—12 CFR part 6.

* * * * *

(iii) * * *

[13] * * * Provisions specifying the effective date of determination of capital category are generally published in the following regulations: FDIC—12 CFR 324.402; Board of Governors of the Federal Reserve System—12 CFR part 208, subpart D; and Office of the Comptroller of the Currency—12 CFR 6.3.

* * * * *

PART 347—INTERNATIONAL BANKING

■ 28. The authority citation for part 347 continues to read as follows:

Authority: 12 U.S.C. 1813, 1815, 1817, 1819, 1820(d), 1828, 3103, 3104, 3105, 3108, 3109; Title IX, Pub. L. 98–181, 97 Stat. 1153 (12 U.S.C. 3901 *et seq.*).

■ 29. Section 347.102 is amended by revising paragraphs (u) and (v) to read as follows:

§ 347.102 Definitions.

* * * * *

(u) Tier 1 capital means Tier 1 capital as defined in § 324.2 of this chapter.

(v) Well capitalized means well capitalized as defined in § 324.403 of this chapter.

PART 349—DERIVATIVES

Subpart B—Retail Foreign Exchange Transactions

■ 30. The authority citation for part 349, subpart B, continues to read as follows:

Authority: 12 U.S.C. 1813(q), 1818, 1819, and 3108; 7 U.S.C. 2(c)(2)(E), 27 *et seq.*

■ 31. Section 349.20 is revised to read as follows:

§ 349.20 Capital requirements.

An FDIC-supervised insured depository institution offering or entering into retail forex transactions must be well capitalized as defined by 12 CFR part 324, unless specifically exempted by the FDIC in writing.

PART 360—RESOLUTION AND RECEIVERSHIP RULES

■ 32. The authority citation for part 360 continues to read as follows:

Authority: 12 U.S.C. 1821(d)(1), 1821(d)(10)(C), 1821(d)(11), 1821(e)(1), 1821(e)(8)(D)(i), 1823(c)(4), 1823(e)(2); Sec. 401(h), Pub. L. 101–73, 103 Stat. 357.

■ 33. Section 360.5 is amended by revising paragraph (b) to read as follows:

§ 360.5 Definition of qualified financial contracts.

* * * * *

(b) *Repurchase agreements.* The following agreements shall be deemed ''repurchase agreements'' under section 11(e)(8)(D)(v) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1821(e)(8)(D)(v)): A repurchase agreement on qualified foreign government securities is an agreement or combination of agreements (including master agreements) which provides for the transfer of securities that are direct obligations of, or that are fully guaranteed by, the central governments (as set forth at 12 CFR 324.2 (definition of sovereign exposure), as may be amended from time to time) of the OECD-based group of countries (as generally discussed in 12 CFR 324.32) against the transfer of funds by the transferee of such securities with a simultaneous agreement by such transferee to transfer to the transferor thereof securities as described above, at a date certain not later than one year after such transfers or on demand, against the transfer of funds.

* * * * *

■ 34. Section 360.9 is amended by revising paragraph (e)(6) to read as follows:

§ 360.9 Large-bank deposit insurance determination modernization.

* * * * *

(e) * * *

(6) Notwithstanding the general requirements of this paragraph (e), on a case-by-case basis, the FDIC may accelerate, upon notice, the implementation timeframe of all or part of the requirements of this section for a covered institution that: Has a composite rating of 3, 4, or 5 under the Uniform Financial Institution's Rating System, or in the case of an insured branch of a foreign bank, an equivalent rating; is undercapitalized, as defined under the prompt corrective action provisions of 12 CFR part 324; or is determined by the appropriate Federal banking agency or the FDIC in consultation with the appropriate Federal banking agency to be experiencing a significant deterioration of capital or significant funding difficulties or liquidity stress, notwithstanding the composite rating of the institution by its appropriate Federal banking agency in its most recent report of examination. In implementing this paragraph (e)(6), the FDIC must consult with the covered institution's primary federal regulator and consider the: Complexity of the institution's deposit systems and operations, extent of the institution's asset quality difficulties, volatility of the institution's funding sources, expected near-term changes in the institution's capital levels, and other relevant factors appropriate for the FDIC to consider in its roles as insurer and possible receiver of the institution.

* * * * *

PART 362—ACTIVITIES OF INSURED STATE BANKS AND INSURED SAVINGS ASSOCIATIONS

■ 35. The authority citation for part 362 continues to read as follows:

Authority: 12 U.S.C. 1816, 1818, 1819(a)(Tenth), 1828(j), 1828(m), 1828a, 1831a, 1831e, 1831w, 1843(l).

■ 36. Section 362.2 is amended by revising paragraphs (s) and (t) to read as follows:

§ 362.2 Definitions.

* * * * *

(s) *Tier one capital* has the same meaning as set forth in part 324 of this chapter for an insured State nonmember bank or insured state savings association. For other state-chartered depository institutions, the term ''tier one capital'' has the same meaning as set forth in the capital regulations adopted by the appropriate Federal banking agency.

(t) *Well-capitalized* has the same meaning set forth in part 324 of this chapter for an insured State nonmember bank or insured state savings association. For other state-chartered depository institutions, the term ''well-capitalized'' has the same meaning as set forth in the capital regulations adopted by the appropriate Federal banking agency.

■ 37. Section 362.4 is amended by revising paragraph (e)(3) to read as follows:

§ 362.4 Subsidiaries of insured State banks.

* * * * *

(e) * * *

(3) Use such regulatory capital amount for the purposes of the bank's assessment risk classification under part 327 of this chapter and its categorization as a ''well-capitalized'', an ''adequately capitalized'', an ''undercapitalized'', or a ''significantly undercapitalized'' institution as defined in § 324.403(b) of this chapter, provided that the capital deduction shall not be used for purposes of determining whether the bank is ''critically undercapitalized'' under part 324 of this chapter.

■ 38. Section 362.17 is amended by revising paragraph (d) to read as follows:

§ 362.17 Definitions.

* * * * *

(d) *Tangible equity* and *Tier 2 capital* have the same meaning as set forth in part 324 of this chapter.

* * * * *

PART 363—ANNUAL INDEPENDENT AUDITS AND REPORTING REQUIREMENTS

■ 39. The authority citation for part 363 continues to read as follows:

Authority: 12 U.S.C. 1831m.

■ 40. Appendix A to part 363 is amended by revising Table 1 to Appendix A to read as follows:

Appendix A to Part 363—Guidelines and Interpretations

* * * * *

TABLE 1 TO APPENDIX A—DESIGNATED FEDERAL LAWS AND REGULATIONS APPLICABLE TO:

		National banks	State member banks	State non-member banks	Savings associations
Insider Loans—Parts and/or Sections of Title 12 of the United States Code					
375a	Loans to Executive Officers of Banks	√	√	(A)	(A)
375b	Extensions of Credit to Executive Officers, Directors, and Principal Shareholders of Banks.	√	√	(A)	(A)
1468(b)	Extensions of Credit to Executive Officers, Directors, and Principal Shareholders.				√
1828(j)(2)	Extensions of Credit to Officers, Directors, and Principal Shareholders.			√	
1828(j)(3)(B)	Extensions of Credit to Officers, Directors, and Principal Shareholders.	(B)		(C)	
Parts and/or Sections of Title 12 of the Code of Federal Regulations					
31	Extensions of Credit to Insiders	√			
32	Lending Limits	√			
215	Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks.	√	√	(D)	(E)
337.3	Limits on Extensions of Credit to Executive Officers, Directors, and Principal Shareholders of Insured Nonmember Banks.			√	
390.338 (state savings associations).	Loans by Savings Associations to Their Executive Officers, Directors, and Principal Shareholders.				√
Dividend Restrictions—Parts and/or Sections of Title 12 of the United States Code					
56	Prohibition on Withdrawal of Capital and Unearned Dividends.	√	√		
60	Dividends and Surplus Fund	√	√		
1467a(f)	Declaration of Dividend				√
1831o(d)(1)	Prompt Corrective Action—Capital Distributions Restricted.	√	√	√	√
Parts and/or Sections of Title 12 of the Code of Federal Regulations					
5 Subpart E	Payment of Dividends	√			
6.6	Prompt Corrective Action—Restrictions on Undercapitalized Institutions.	√			
208.5	Dividends and Other Distributions		√		
208.45	Prompt Corrective Action—Restrictions on Undercapitalized Institutions.		√		
324.405	Prompt Corrective Action—Restrictions on Undercapitalized Institutions.			√	
390.342–.348 (state savings associations).	Capital Distributions				√
390.455 (state savings associations).	Prompt Corrective Action—Restrictions on Undercapitalized Institutions.				√

(A) Subsections (g) and (h) of section 22 of the Federal Reserve Act [12 U.S.C. 375a, 375b]
(B) Applies only to insured Federal branches of foreign banks.
(C) Applies only to insured State branches of foreign banks.
(D) See 12 CFR 337.3.
(E) See 12 CFR 390.338 (state savings associations).

PART 364—STANDARDS FOR SAFETY AND SOUNDNESS

■ 41. The authority citation in part 364 continues to read as follows:

Authority: 12 U.S.C. 1818 and 1819 (Tenth), 1831p–1; 15 U.S.C. 1681b, 1681s, 1681w, 6801(b), 6805(b)(1).

■ 42. Appendix A to part 364 is amended by revising the last sentence in section I.A. to read as follows:

Appendix A to Part 364—Interagency Guidelines Establishing Standards for Safety and Soundness

* * * * *

I. * * *

A. * * *

* * * Nothing in these Guidelines limits the authority of the FDIC pursuant to section 38(i)(2)(F) of the FDI Act (12 U.S.C. 1831o) and part 324 of title 12 of the Code of Federal Regulations.

* * * * *

PART 365—REAL ESTATE LENDING STANDARDS

■ 43. The authority citation for part 365 continues to read as follows:

Authority: 12 U.S.C. 1828(o) and 5101 *et seq.*

■ 44. Appendix A to subpart A of part 365 is amended by revising footnote 2 to the ''Loans in Excess of the Supervisory Loan-to-Value Limits'' section to read as follows:

Appendix A to Subpart A of Part 365—Interagency Guidelines for Real Estate Lending Policies

* * * * *

Loans in Excess of the Supervisory Loan-to-Value Limits

* * * * *

[2] For state non-member banks and state savings associations, ''total capital'' refers to that term described in 12 CFR 324.2.

* * * * *

PART 390—REGULATIONS TRANSFERRED FROM THE OFFICE OF THRIFT SUPERVISION

■ 45. The authority citation for part 390 is revised to read as follows:

Authority: 12 U.S.C. 1819.

§ 390.101 [Amended]

■ 46. Section 390.101 is amended in paragraph (f) by removing ''subpart Z'' and adding in its place ''12 CFR part 324.''

■ 47. Section 390.264 is revised to read as follows:

§ 390.264 Real estate lending standards; purpose and scope.

This section, and § 390.265, issued pursuant to section 18(o) of the Federal Deposit Insurance Act, (12 U.S.C. 1828(o)), prescribe standards for real estate lending to be used by State savings associations and all their includable subsidiaries, as defined in part 324 of this chapter, over which the State savings associations exercise control, in adopting internal real estate lending policies.

■ 48. The appendix to § 390.265 is amended by revising footnote 4 to read as follows:

§ 390.265 Real estate lending standards.

* * * * *

Appendix to § 390.265—Interagency Guidelines for Real Estate Lending Policies

* * * * *

[4] For the state member banks, the term ''total capital'' is defined at 12 CFR 217.2. For insured state non-member banks, the term ''total capital'' is defined at 12 CFR 324.2. For national banks, the term ''total capital'' is defined at 12 CFR 3.2. For state savings associations, the term ''total capital'' is defined at 12 CFR 324.2.

* * * * *

■ 49. Section 390.316 is amended by revising paragraph (c) to read as follows:

§ 390.316 With recourse.

* * * * *

(c) This definition does not apply for purposes of determining the capital adequacy requirements under part 324 of this chapter.

■ 50. Section 390.341 is amended by revising paragraphs (a), (c)(1)(i)(G), and (d)(2)(ii) to read as follows:

§ 390.341 Inclusion of subordinated debt securities and mandatorily redeemable preferred stock as supplementary capital.

(a) *Scope.* A State savings association must comply with this section in order to include subordinated debt securities or mandatorily redeemable preferred stock (''covered securities'') in supplementary capital (tier 2 capital) under part 324 of this chapter. If a State savings association does not include covered securities in supplementary capital, it is not required to comply with this section.

* * * * *

(c) * * *

(1) * * *

(i) * * *

(G) State or refer to a document stating that the State savings association must obtain FDIC approval before the voluntarily prepayment of principal on subordinated debt securities, the acceleration of payment of principal on subordinated debt securities, or the voluntarily redemption of mandatorily redeemable preferred stock (other than scheduled redemptions), if the State savings association is undercapitalized, significantly undercapitalized, or critically undercapitalized as described in subpart H of part 324 of this chapter, fails to meet the regulatory capital requirements in part 324, or would fail to meet any of these standards following the payment.

* * * * *

(d) * * *

(2) * * *

(ii) The State savings association is at least adequately capitalized under subpart H of part 324 of this chapter and meets the regulatory capital requirements in part 324.

* * * * *

■ 51. Section 390.343 is amended by revising paragraphs (b) and (d) to read as follows:

§ 390.343 What is a capital distribution?

* * * * *

(b) Your payment to repurchase, redeem, retire or otherwise acquire any of your shares or other ownership interests, any payment to repurchase, redeem, retire, or otherwise acquire debt instruments included in your total capital under part 324 of this chapter, and any extension of credit to finance an affiliate's acquisition of your shares or interests;

* * * * *

(d) Any other distribution charged against your capital accounts if you would not be well capitalized, as set forth in subpart H of part 324 of this chapter, following the distribution; and

* * * * *

■ 52. Section 390.344 is amended by revising the definition of *Capital* to read as follows:

§ 390.344 Definitions applicable to capital distributions.

* * * * *

Capital means total capital, as computed under part 324 of this chapter.

* * * * *

§ 390.345 [Amended]

■ 53. Section 390.345 is amended as follows:

■ a. In paragraph (a)(3), by removing ''§ 390.453(b)(2)'' and adding in its place ''subpart H of part 324 of this chapter.''

■ b. In paragraph (b), by removing ''§ 390.453(b)(1)'' and ''subpart Z'' wherever they appear and add in their place ''subpart H of part 324 of this chapter.''

■ 54. Section 390.348 is amended by revising paragraph (a) to read as follows:

§ 390.348 Will the FDIC permit my capital distribution?

* * * * *

(a) You will be undercapitalized, significantly undercapitalized, or critically undercapitalized as set forth in subpart H of part 324 of this chapter, following the capital distribution. If so, the FDIC will determine if your capital distribution is permitted under 12 U.S.C. 1831o(d)(1)(B).

* * * * *

■ 55. Section 390.362 is amended by revising paragraphs (a)(1)(i) and (iii) to read as follows:

§ 390.362 Who must give prior notice?

(a) * * *

(1) * * *

(i) You do not comply with all minimum capital requirements under part 324 of this chapter;

* * * * *

(iii) The FDIC has notified you, in connection with its review of a capital restoration plan required under section 38 of the Federal Deposit Insurance Act or subpart H of part 324 of this chapter or otherwise, that a notice is required under §§ 390.360 through 390.368; or

* * * * *

§§ 390.450 through 390.455 [Removed and Reserved]

■ 56. Remove and reserve §§ 390.450 through 390.455.

■ 57. Section 390.457 is amended by revising paragraphs (a)(1)(i)(A) and (a)(1)(ii) to read as follows:

§ 390.457 Procedures for reclassifying a State savings association based on criteria other than capital.

(a) * * *

(1) * * *

(i) * * *

(A) Pursuant to § 324.403(d) of this chapter, the FDIC may reclassify a well capitalized State savings association as adequately capitalized or subject an adequately capitalized or undercapitalized institution to the supervisory actions applicable to the next lower capital category if:

(*1*) The FDIC determines that the State savings association is in unsafe or unsound condition; or

(*2*) The FDIC deems the State savings association to be engaged in an unsafe or unsound practice and not to have corrected the deficiency.

* * * * *

(ii) *Prior notice to institution.* Prior to taking action pursuant to § 324.403(d) of this chapter, the FDIC shall issue and serve on the State savings association a written notice of the FDIC's intention to reclassify the State savings association.

* * * * *

Subpart Z—[Removed and Reserved]

■ 58. Remove and reserve subpart Z.

Dated at Washington, DC, on March 20, 2018.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Valerie Best,

Assistant Executive Secretary.

[FR Doc. 2018–06881 Filed 4–23–18; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2017–0637; Special Conditions No. 25–724–SC]

Special Conditions: Textron Aviation Inc. Model 700 Airplane; Occupant Protection for Side-Facing Seats Installed Forward of Aft-Facing Seats

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Textron Aviation Inc. (Textron) Model 700 airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is side-facing seats installed forward of aft-facing seats. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Textron on April 24, 2018. Send your comments by June 8, 2018.

ADDRESSES: Send comments identified by docket number FAA–2017–0637 using any of the following methods:

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

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Alan Sinclair, FAA, Airframe and Cabin Safety Section, AIR–675, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, 1601 Lind Avenue SW, Renton, Washington 98057–3356; telephone 425–227–2195; facsimile 425–227–1320.

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. The FAA therefore finds it unnecessary to delay the effective date and finds that good cause exists for making these special conditions effective upon publication in the **Federal Register**.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On November 20, 2014, Textron applied for a type certificate for their new Model 700 airplane. The Model 700 airplane is a turbofan-powered executive-jet airplane with seating for two crewmembers and 12 passengers. This airplane will have a maximum takeoff weight of 38,514 pounds.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.17, Textron must show that the Model 700 airplane meets the applicable provisions of 14 CFR part 25, as amended by

Amendments 25–1 through 25–139, 25–141, and 25–143.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Textron Model 700 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model 700 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Textron Model 700 will incorporate the following novel or unusual design feature: Side-facing seats installed forward of aft-facing seats.

Discussion

Many of the Textron Model 700 interior configurations include a multiple-place side-facing seat installed just forward of an aft-facing seat. There is the possibility of interaction between the aft-facing seat and the occupant in the aft-most seating position on the multiple-place side-facing seat. Textron is proposing to install a structural armrest aft of the multiple-place side-facing seat and forward of the aft-facing seat. See Figure 1.

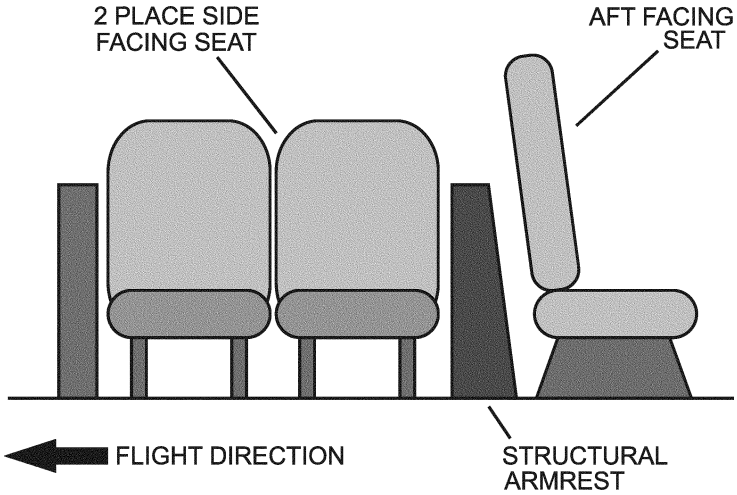

Figure 1: Seat Installation

Dynamic seat testing is required of all applicants who plan to install side-facing and oblique-angled seats in passenger airplanes. The intent of dynamic seat testing is to evaluate airplane seats, restraints, and related interior systems to demonstrate their structural strength and their ability to protect an occupant from serious injuries in a survivable crash. The current regulations in §§ 25.561, 25.562, and 25.785 address occupant injury protection for forward and aft-facing seats.

The FAA will issue special conditions separately to address the additional occupant-injury protection concerns raised for side-facing seats. However, the aft occupant of the side-facing seat (see Figure 1 in these special conditions) may interact with the aft-facing seat, a scenario that the regulations do not specifically address.

The aft-facing seat back could deform during the dynamic-test event, and could contact the occupant in the aft side-facing seat. The point that the seat back contacts the occupant could be in an area of the body that has no defined, acceptable, injury-evaluation method, such as the shoulder. This type of contact is addressed in these side-facing-seat special conditions, which prohibit body-to-body contact.

The applicant proposed installing a structural armrest between the side-facing seat and the aft-facing seat to help prevent contact between the aft-facing seat and the aft occupant of the side-facing seat. This contact would be likely to occur if the structural armrest failed to perform as intended in an emergency landing. Therefore, the purpose of these special conditions is to define the specific structural requirements of the proposed structural armrest, and the additional requirements necessary to protect the seated occupant from both the side-facing seat and the adjacent aft-facing seat.

The applicant is likely to have to conduct two or more 16g forward structural tests with the combination of the side-facing seat, structural armrest, and aft-facing seat to account for all critical cases.

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

Applicability

As discussed above, these special conditions are applicable to the Textron Model 700 airplane. Should Textron apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one

model of airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Textron Model 700 airplanes with a structural armrest installed between a side-facing seat, located forward of aft-facing seats, and the aft-facing seats.

1. The applicant must propose a certification strategy for the structural armrest. This strategy must address the structural integrity of the structural armrest and occupant protection after a survivable crash. The strategy must define how the applicant will ensure that the installation, when permanently deformed due to the application of static, dynamic, and interaction (with aft-facing seat) loads, and while complying with the applicable §§ 25.561 and 25.562 requirements, meets the following conditions:

a. The proposed structural armrest must not contact the occupant in the aft-most seating position of the side-facing seat, such that the armrest imparts any load, other than incidental and non-injurious contact, with the seat occupant.

b. The backrest of the aft-facing seat must not touch the occupant in the aft-most seating position of the side-facing seat.

c. The proposed structural armrest must not impose loads to the side-facing seat structure, and;

d. The seat back of the aft-facing seat must not, as a result of contact with the structural armrest, result in damage or permanent deformation of the seat back that could be injurious to the occupant of the aft-facing seat.

2. In addition, the applicant must:

a. Test, to the emergency-landing conditions listed in § 25.562, the structural armrest and the aft-facing seat together, as a system, with pitch and roll of the seat track to ensure that the armrest continues to protect the occupant of the side-facing seat.

b. Conduct 16g forward structural tests with the combination of the side-facing seat, structural armrest, and the aft-facing seat, accounting for all critical cases. For these tests, the applicant should account for all structural requirements and post-test conditions. Anthropomorphic test dummies are required as part of § 25.562 structural testing.

c. Apply to the seat track the worst-case floor deformation that:

i. Produces the maximum load into the structural armrest for armrests that are integrally a part of any seat structure. This maximum load includes the load caused by the floor deformation and the load from the aft-facing seat back.

ii. Allows the aft-facing seat back the most forward dynamic deformation in the area of the side-facing seat's aft occupant. No contact between the aft-facing seat and the side-facing seat aft occupant is acceptable.

Issued in Renton, Washington, on April 17, 2018.

Paul Siegmund,

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

[FR Doc. 2018–08556 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0314; Product Identifier 2018–NE–11–AD; Amendment 39–19255; AD 2018–08–02]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Rolls-Royce plc (RR) Trent 1000–A2, Trent 1000–AE2, Trent 1000–C2, Trent 1000–CE2, Trent 1000–D2, Trent 1000–E2, Trent 1000–G2, Trent 1000–H2, Trent 1000–J2, Trent 1000–K2, and Trent 1000–L2 turbofan engines. This AD requires initial and repetitive inspections of the intermediate-pressure compressor (IPC) stage 1 rotor blades, IPC stage 2 rotor blades, and IPC shaft stage 2 dovetail posts, and removing any cracked parts from service. This AD was prompted by IPC blade separations resulting in engine failures. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 24, 2018.

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

We must receive comments on this AD by June 8, 2018.

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

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

For service information identified in this final rule, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *corporate.care@rolls-royce.com*. Internet: *https://customers.rolls-royce.com/public/rollsroycecare*. You may view this service information at the FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0314.

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–2018–0314; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Kevin M. Clark, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7088; fax: 781–238–7199; email: *kevin.m.clark@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2018–0084, dated April 13, 2018 (referred to after this as the MCAI), to address an unsafe condition for the specified products. The MCAI states:

Occurrences were reported on RR Trent 1000 'Pack C' engines, where some IPC Rotor 1 and Rotor 2 blades were found cracked.

This condition, if not detected and corrected, could lead to in-flight blade release, possibly resulting in reduced control of the aeroplane.

To address this potential unsafe condition, RR initially issued Alert NMSB TRENT 1000 72–AJ814 and 72–AJ819 to provide inspection instructions for IPC Rotor 1 blades, and IPC Rotor 2 blades and IPC shaft Stage 2 dovetail posts, respectively. RR also issued NMSB TRENT 1000 72–J871 to provide rework instructions for the affected parts, and Alert NMSB TRENT 1000 72–AJ869 to inspect those post-rework parts. Consequently, EASA issued AD 2017–0248 to require repetitive inspections of the affected IPC Rotor blades and IPC shaft Stage 2 dovetail posts and, depending on findings, removal from service of the engine for corrective action.

After that [EASA] AD was issued, prompted by further analysis, it was determined that, for certain engines, the front face of IPC Rotor 2 Blades and the dovetail posts of the IPC Shaft Stage 2 Rotor assembly needed to be inspected earlier. RR issued Alert NMSB TRENT 1000 72–AK058 to provide instructions for a one-time on-wing inspection. Consequently, EASA issued AD 2018–0073, retaining the requirements of EASA AD 2017–0248, which was superseded, to require an additional borescope inspection of certain engines and, depending on findings, removal from service of the engine for corrective action.

Since that [EASA] AD was issued, it was determined that repetitive borescope inspections are necessary on all engines to ensure fleet-wide continued safe operation. Consequently, RR revised Alert NMSB TRENT 1000 72–AJ869, Alert NMSB TRENT 1000 72–AJ814, Alert NMSB TRENT 1000 72–AJ819 and NMSB TRENT 1000 72–J871, and issued the NMSB to consolidate all inspection instructions.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2018–0073, which is superseded, and requires repetitive on-wing borescope inspections of the affected Rotor 1 and Rotor 2 parts and, depending on findings, removal from service of the engine for corrective action. This [EASA] AD also introduces specific requirements for engines installed on aeroplanes involved in ETOPS, and inspection following operation in asymmetric power conditions.

You may obtain further information by examining the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0314.

Related Service Information Under 1 CFR Part 51

We reviewed RR Alert Non-Modification Service Bulletin (NMSB) Trent 1000 72–AJ819, Revision 2, dated April 12, 2018, and RR Alert NMSB Trent 1000 72–AK060, dated April 13, 2018. RR Alert NMSB Trent 1000 72–AJ819 describes procedures for performing a visual borescope inspection of the IPC stage 2 rotor blades and IPC shaft stage 2 dovetail posts. RR NMSB Trent 1000 72–AK060 defines the initial inspection threshold and repeat inspection intervals for Trent 1000 IPC stage 1 blade, stage 2 blade and IPC shaft stage 2 dovetail posts. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by EASA and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all the relevant information provided by EASA and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires initial and repetitive inspections of the IPC stage 1 rotor blades, IPC stage 2 rotor blades, and IPC stage 2 shaft dovetail posts, and removing any cracked parts from service.

Interim Action

We consider this AD interim action. RR is developing a modification which is expected to be terminating action for the repetitive inspections required by this AD.

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 compliance time for the action is less than the time required for public comment. The FAA has reviewed and agrees with EASA's determination that certain affected IPC rotor blades and dovetail posts must be inspected and, if needed, replaced with a part eligible for installation prior to further flight. Failure to inspect and replace these parts within the required compliance times could lead to failure of the IPC, failure of one or more engines, loss of thrust control, and loss of the airplane. Therefore, we find good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reason stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2018–0314 and Product Identifier 2018–NE–11–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. We will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Costs of Compliance

We estimate that this AD affects 28 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect IPC blade and dovetail post	6 work-hours × $85 per hour = $510	$0	$510	$14,280

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–08–02 Rolls-Royce plc: Amendment 39–19255; Docket No. FAA–2018–0314; Product Identifier 2018–NE–11–AD.

(a) Effective Date

This AD is effective April 24, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Rolls-Royce plc (RR) Trent 1000–A2, Trent 1000–AE2, Trent 1000–C2, Trent 1000–CE2, Trent 1000–D2, Trent 1000–E2, Trent 1000–G2, Trent 1000–H2, Trent 1000–J2, Trent 1000–K2, and Trent 1000–L2 turbofan engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by reports of intermediate-pressure compressor (IPC) rotor blade separations resulting in engine failures. We are issuing this AD to prevent failure of the IPC. The unsafe condition, if not addressed, could result in failure of one or more engines, loss of thrust control, and loss of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Inspect the IPC stage 1 rotor blades before exceeding the applicable initial inspection thresholds specified in Table 1 of RR Alert Non-Modification Service Bulletin (NMSB) Trent 1000 72–AK060, dated April 13, 2018, or within 80 flight cycles (FCs) after the effective date of this AD, whichever occurs later. If Direct Accumulation Count cycles, as specified in Table 1 of RR Alert NMSB Trent 1000 72–AK060, are not available, then use FCs, regardless of Engine Health Monitoring alerts. Thereafter at intervals not to exceed 200 FCs, repeat the inspection of the IPC stage 1 rotor blades. Use the Accomplishment Instructions, paragraph 3.A., of RR Alert NMSB Trent 1000 72–AK060, dated April 13, 2018 to perform the inspections.

(2) Perform an initial inspection of the IPC stage 2 rotor blades and IPC shaft stage 2 dovetail posts, using the Accomplishment Instructions, paragraph 3.B., of RR Alert NMSB Trent 1000 72–AK060, dated April 13, 2018. Perform the initial inspection based on engine operations as specified in the following paragraphs and within the following compliance times:

(i) For engines with less than 300 FCs since new on the effective date of this AD:

(A) For engines that are not operated on ETOPS (extended operations) flights, prior to exceeding 300 FCs or within 50 days after the effective date of this AD, whichever occurs later.

(B) For engines that are operated on ETOPS flights, before exceeding 300 FCs or before the next ETOPS flight, whichever occurs later.

(ii) For engines with 300 or more FCs since new on the effective date of this AD:

(A) For engines that are not operated on ETOPS flights, prior to exceeding 50 days after the effective date of this AD or within 80 FCs since the last inspection performed in accordance with RR Alert NMSB Trent 1000 72–AJ819, whichever occurs later. This inspection is not to exceed 200 FCs since the previous inspection.

(B) For engines that are operated on ETOPS flights, before the next ETOPS flight, or within 80 FCs since the last inspection performed in accordance with RR Alert NMSB Trent 1000 72–AJ819, whichever occurs later.

(3) Thereafter, at intervals not to exceed 80 FCs, repeat the inspections of the IPC stage 2 rotor blades and IPC shaft stage 2 dovetail posts required by paragraph (g)(2) of this AD. Use the Accomplishment Instructions, paragraph 3.B., of RR Alert Trent 1000 72–AK060, dated April 13, 2018, to perform these inspections.

(4) For engines involved in ETOPS operations, inspect the rear face of IPC stage 2 rotor blades, part number KH25730, at each inspection interval defined in paragraph

(g)(3) of this AD in accordance with the Accomplishment Instructions, paragraph 3.C., of RR Alert Trent 1000 72–AK060, dated April 13, 2018.

(5) As of the effective date of this AD, before the next flight after each occurrence where engine operation in asymmetric power conditions was sustained for more than 30 minutes at less than 25,000 feet, either resulting from engine power reduction, or from engine in-flight shut-down (IFSD), perform an on-wing borescope inspection of the IPC stage 2 rotor blades and IPC shaft stage 2 dovetail posts on the unaffected engine (no power reduction, no IFSD) installed on the airplane. Use the Accomplishment Instructions, either paragraph 3.B. for engines not involved in ETOPS operations, or paragraphs 3.B. and 3.C. for engines involved in ETOPS operations, of RR Alert NMSB Trent 1000 72–AK060, dated April 13, 2018, to perform this inspection.

(6) If any IPC stage 1 rotor blade, IPC stage 2 rotor blade, or an IPC shaft stage 2 dovetail post is found cracked during any inspection required by this AD, replace the part with a part eligible for installation before further flight.

(h) Definitions

For the purpose of this AD, flight cycles indicated in paragraph (g)(1) of this AD are those accumulated by the engine. FCs indicated in paragraph (g)(2) of this AD are those accumulated by each affected IPC stage 2 rotor blade since first installation on an engine. If FCs accumulated by an affected IPC stage 2 rotor blade are unknown, then engine FCs since new apply.

(i) Credit for Previous Actions

(1) If you performed the initial inspections required by paragraph (g) of this AD before the effective date of this AD, using any of the following you met the initial inspection requirements of paragraph (g) of this AD; however, all of the repetitive actions still apply:

(i) RR Alert NMSB Trent 1000 72–AJ814, Initial Issue, dated August 17, 2017, or Revision 1, dated September 26, 2017; or

(ii) RR Alert NMSB Trent 1000 72–AK058, Initial Issue, dated March 30, 2018;

(iii) RR NMSB Trent 1000 72–AJ819, Revision 1, October 9, 2017, or Initial Issue, dated August 17, 2017.

(2) Reserved.

(j) Special Flight Permits

(1) Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are subject to the requirements of paragraph (j)(1)(i) of this AD.

(i) Operators who are prohibited from further flight due to an IPC stage 1 rotor blade, IPC stage 2 rotor blade, or an IPC shaft stage 2 dovetail post being found cracked, may perform a one-time non-revenue ferry flight to a location where the engine can be removed from service. This ferry flight must be performed without passengers, involve non-ETOPS operation, and consume no more than three FCs.

(ii) Reserved.

(2) Reserved.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Related Information

(1) For more information about this AD, contact Kevin M. Clark, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7088; fax: 781–238–7199; email: *kevin.m.clark@faa.gov*.

(2) Refer to European Aviation Safety Agency (EASA) AD 2018–0084, dated April 13, 2018, for more information. You may examine the EASA AD in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2018–0314.

(m) Material Incorporated by Reference

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

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

(i) Rolls-Royce plc (RR) Alert Non-Modification Service Bulletin (NMSB) Trent 1000 72–AJ819, Revision 2, dated April 12, 2018.

(ii) RR Alert NMSB Trent 1000 72–AK060, Initial Issue, dated April 13, 2018.

(3) For RR service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *corporate.care@rolls-royce.com*; internet: *https://customers.rolls-royce.com/public/rollsroycecare*.

(4) You may view this service information at FAA, Engine & Propeller Standards Branch, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7759.

(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 Burlington, Massachusetts, on April 19, 2018.

Karen M. Grant,

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

[FR Doc. 2018–08602 Filed 4–20–18; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

[Docket Number: 140905758–8166–02]

RIN 0607–AA54

Foreign Trade Regulations (FTR): Clarification on the Collection and Confidentiality of Kimberley Process Certificates

AGENCY: Bureau of the Census, Commerce Department.

ACTION: Final rule.

SUMMARY: The Bureau of the Census (Census Bureau) issues this final rule amending its regulations to clarify that the data collected from the Kimberley Process Certificates (KPCs) are collected in compliance with the Clean Diamond Trade Act. In addition, this rule clarifies the submission requirements and permissible uses of the KPCs.

DATES: This final rule is effective July 23, 2018.

FOR FURTHER INFORMATION CONTACT: Dale C. Kelly, Chief, International Trade Management Division, U.S. Census Bureau, 4600 Silver Hill Road, Washington, DC 20233–6010, by phone at 301–763–6937; by fax at 301–763–8835; or by email at *dale.c.kelly@census.gov*.

SUPPLEMENTARY INFORMATION:

Background

The Census Bureau is amending the Foreign Trade Regulations (FTR) (15 CFR part 30) to clarify that the Kimberley Process Certificates (KPCs) are not collected under Title 13, United States Code (U.S.C.). Instead, the KPCs are collected under the Clean Diamond Trade Act (CDTA) (Pub. L. 108–19, 19 U.S.C. 3901, *et seq.*) and Executive Order 13312, entitled ''Implementing the Clean Diamond Trade Act'' (68 FR 45151, July 29, 2003). The CDTA and Executive Order 13312 require that the importation into, and exportation from, the United States of any rough diamonds be controlled through the Kimberley Process Certification Scheme (KPCS). The KPCS calls on Participants

(*i.e.,* governments participating in the KPCS), including the United States, to ensure that any shipment of rough diamonds exported to, or imported from, the territory of a Participant be accompanied by a valid KPC, and maintain and publish statistics on the importation and exportation of rough diamonds. The CDTA further provides that the United States should produce statistics on imports and exports of rough diamonds and make these statistics available for analysis by interested parties, including other governments participating in the KPCS.

Consistent with the CDTA, Executive Order 13312, and the KPCS, the Office of Foreign Assets Control's Rough Diamonds Control Regulations (31 CFR part 592) require that an original KPC accompany all shipments of rough diamonds imported into, or exported from, the United States. The FTR requires that Participants provide an original KPC to the Census Bureau for all import and export shipments of rough diamonds. The data collected from the KPCs are separate and distinct from the statistical data collected under Title 13, U.S.C., and are not governed by the confidentiality provisions of that title.

Finally, the U.S. Department of Homeland Security and the U.S. Department of State concur with the revisions to the FTR as required by 13 U.S.C. 302 and Public Law 107–228, div. B, title XIV, section 1404.

Response to Comments

The Census Bureau received two comments on the notice of proposed rulemaking (NPRM) published in the **Federal Register** on September 29, 2017 (82 FR 45528). One of the comments was unrelated to the proposal; however, a summary of the other comment and the Census Bureau's response is provided below.

Comment. The commenter stated that, to help ensure compliance with the law and avoid misunderstandings, the Census Bureau's final rule should make clear, for the benefit of both the public and Department of Commerce employees, that the rule changes do not displace the confidentiality provisions of any statute other than Title 13. The commenter suggested adding the language, ''nothing in this subsection affects the applicability of confidentiality provisions of a law other than Title 13, U.S.C.,'' to §§ 30.4(e) and 30.60 of the FTR.

Response. The Census Bureau has reviewed this comment and agrees that clarifying language can be added to address this concern in § 30.60, because it addresses the confidentiality of KPCs, including voided KPCs. Therefore, the Note to § 30.60, as amended by this final rule, will read as set out in the regulatory text at the end of the document.

Changes to the Proposed Rule Made by This Final Rule

As discussed above, after consideration of the comment received, the Census Bureau includes in this final rule an additional clarifying sentence at the end of the language in the proposed rule regulatory text for the Note to § 30.60. For clarification, consistent with terminology used in the FTR, the Census Bureau also includes in this final rule the addition of the phrase ''by the USPPI or U.S. authorized agent'' to the proposed rule regulatory text revising § 30.7(c).

Program Requirements

This final rule amends relevant sections of the FTR in order to clarify requirements, consistent with the CDTA and Executive Order 13312. Specifically, in addition to the clarifying changes described above, this final rule makes the following revisions to the FTR in 15 CFR part 30:

- Revise § 30.1(c) to add the definition ''Kimberley Process Certificate'' as a technical amendment.
- Revise § 30.1(c) to add the definition ''Voided Kimberley Process Certificate'' to clarify the term.
- Revise § 30.4 to add paragraph (e) to clarify the filing procedures for voided KPCs and to address that the collection of KPCs is not pursuant to Title 13, United States Code.
- Revise § 30.7(c) to clarify that KPCs must be provided to the Census Bureau immediately after export of the shipment from the United States.
- Revise § 30.50(c) to clarify that KPCs must be provided to the Census Bureau immediately after entry of the shipment in the United States.
- Revise § 30.60 to add a note clarifying that KPCs are not considered Electronic Export Information (EEI) and are not confidential under Title 13, U.S.C.
- Revise § 30.70 to clarify how violations of the CDTA will be enforced.

Rulemaking Requirements

Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this rule will not have a significant impact on a substantial number of small entities. Currently, a KPC must be submitted for all imports or exports of rough diamonds. This rule requires that KPCs be provided to the Census Bureau immediately after either entry in or export from the United States. It replaces the previous requirement to provide the KPC to the Census Bureau in advance.

This action requires that U.S. Principal Party in Interests (USPPIs) or authorized agents in the United States file export information to the Automated Export System (AES) for all shipments where an EEI record is required by the FTR. The SBA's table of size standards indicates that businesses that are the USPPI or authorized agent and file EEI are considered small businesses if they employ less than 500 people. Based on Exhibit 7a of the 2015 *Profile of U.S. Exporting Companies,* the Census Bureau estimates that there are 295,000 USPPIs that are considered small business entities under the SBA definition, and more than 90 percent of those USPPIs use authorized agents to file export information. The Census Bureau is unable to estimate or determine the number of authorized agents.

The Census Bureau does not expect these clarifications of requirements to significantly affect the small businesses that file through the AES. The majority of agents require use of a computer to perform routine tasks, such as filing through the AES. These agents are unlikely to be significantly affected by these clarifications of requirements, as they already possess the necessary technology and equipment to submit the information through the AES. It is not necessary for small businesses to purchase software for this task, because AES *Direct,* a free internet-based system, is provided for the electronic submission of export information. The new requirements will have a minimal impact on response burden. For these reasons, this rule will not have a significant economic impact on a substantial number of small entities.

Executive Orders

This rule has been determined to be not significant for purposes of Executive Order 12866. This proposed rule is not an Executive Order 13771 regulatory action because this proposed rule is not significant under Executive Order 12866. This rule does not contain policies with federalism implications as that term is defined under Executive Order 13132.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a

collection of information subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a current, valid Office of Management and Budget (OMB) control number. This rule contains a collection-of-information subject to the requirements of the PRA (44 U.S.C. 3501 *et seq.*) and that has been approved under OMB control number 0607–0152.

List of Subjects in 15 CFR Part 30

Economic statistics, Exports, Foreign trade, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Census Bureau amends 15 CFR part 30 as follows:

PART 30—FOREIGN TRADE REGULATIONS

■ 1. The authority citation for 15 CFR part 30 continues to read as follows:

Authority: 5 U.S.C. 301; 13 U.S.C. 301–307; Reorganization plan No. 5 of 1990 (3 CFR 1949–1953 Comp., p. 1004); Department of Commerce Organization Order No. 35–2A, July 22, 1987, as amended, and No. 35–2B, December 20, 1996, as amended; Pub. L. 107–228, 116 Stat. 1350.

■ 2. Amend § 30.1(c) by adding definitions for ''Kimberley Process Certificate (KPC)'' and ''Voided Kimberley Process Certificate'' in alphabetical order to read as follows:

§ 30.1 Purpose and definitions.

* * * * *

(c) * * *

Kimberley Process Certificate (KPC). A forgery resistant document used to certify the origin of rough diamonds from sources which are free of conflict.

* * * * *

Voided Kimberley Process Certificate. A Kimberley Process Certificate intended to be used for the exportation of rough diamonds from the United States that has been cancelled for reasons such as loss or error.

* * * * *

■ 3. Amend § 30.4 by adding paragraph (e) to read as follows:

§ 30.4 Electronic Export Information filing procedures, deadlines, and certification statements.

* * * * *

(e) *Collection of KPCs and voided KPCs.* Any voided KPC must be faxed by the voiding party to the Census Bureau on (800) 457–7328, or provided by other methods as permitted by the Census Bureau, immediately upon voiding. The collection of KPCs, including voided KPCs, is performed pursuant to the Clean Diamond Trade Act, Public Law 108–19, 19 U.S.C. Section 3901 *et seq.* (CDTA), and Executive Order 13312, and not Title 13, U.S.C.

■ 4. Amend § 30.7 by revising paragraph (c) to read as follows:

§ 30.7 Annotating the bill of lading, air waybill, or other commercial loading documents with proof of filing citations, and exemption legends.

* * * * *

(c) Exports of rough diamonds classified under HS subheadings 7102.10, 7102.21, and 7102.31 require the proof of filing citation, as stated in paragraph (b) of this section, to be indicated on the Kimberley Process Certificate (KPC). In addition, the KPC must be faxed by the USPPI or U.S. authorized agent to the Census Bureau on (800) 457–7328, or provided by other methods as permitted by the Census Bureau, immediately after export of the shipment from the United States.

■ 5. Amend § 30.50 by revising paragraph (c) to read as follows:

§ 30.50 General requirements for filing import entries.

* * * * *

(c) The Kimberley Process Certificate (KPC) for all imports of rough diamonds classified under HS subheadings 7102.10, 7102.21, 7102.31 must be faxed by the importer or customs broker to the Census Bureau on (800) 457–7328, or provided by other methods as permitted by the Census Bureau, immediately after entry of the shipment in the United States.

■ 6. Amend § 30.60 by adding a note to read as follows:

§ 30.60 Confidentiality of Electronic Export Information.

* * * * *

Note to § 30.60: Kimberley Process Certificates (KPCs), including voided KPCs, provided to the Census Bureau pursuant to the Clean Diamond Trade Act, Executive Order 13312, and this part are not considered EEI and are not confidential under Title 13. KPCs and voided KPCs may be protected from public disclosure by the Privacy Act or other applicable nondisclosure statutes.

■ 7. Amend § 30.70 by revising the introductory text to read as follows:

§ 30.70 Violation of the Clean Diamond Trade Act.

Section 8(c) of the Clean Diamond Trade Act (CDTA) authorizes U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) to enforce the laws and regulations governing exports of rough diamonds. The Treasury Department's Office of Foreign Assets Control (OFAC) also has enforcement authority pursuant to section 5(a) of the CDTA, Executive Order 13312, and Rough Diamonds Control Regulations (31 CFR part 592). CBP, ICE, and OFAC are authorized to enforce provisions of the CDTA providing the following civil and criminal penalties:

* * * * *

Dated: April 17, 2018.

Ron S. Jarmin,

Associate Director for Economic Programs, performing the non-exclusive functions and duties of the Director, Bureau of the Census.

[FR Doc. 2018–08518 Filed 4–23–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2018–0014]

RIN 1625–AA08

Special Local Regulation; Black Warrior River, Tuscaloosa, AL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation on the Black Warrior River, extending the entire width of the river, from mile marker (MM) 338.5 to MM 339.5 in Tuscaloosa, AL. This special local regulation is necessary to protect the persons participating in the USA Triathlon Collegiate National Championships marine event. This regulation restricts transit into, through, and within the regulated area unless specifically authorized by the Captain of the Port Sector Mobile (COTP) or a designated representative.

DATES: This rule is effective from 4 a.m. on April 27, 2018 through 6 p.m. on April 28, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0014 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Kyle D. Berry, Sector Mobile, Waterways Management Division, U.S. Coast Guard; telephone 251–441–5940, email *Kyle.D.Berry@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Mobile
DHS Department of Homeland Security
FR Federal Register
MM Mile marker
NPRM Notice of proposed rulemaking
PATCOM Patrol Commander
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On November 31, 2017, the sponsor for the USA Triathlon Collegiate National Championships marine event submitted an application for a marine event permit for the event from 4 a.m. on April 27, 2018 through 6 p.m. on April 28, 2018. In response, on March 2, 2018, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Special Local Regulation; Black Warrior River, Tuscaloosa, AL (83 FR 8955). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this triathlon event. During the comment period that ended April 2, 2018, we received one comment.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** because it is impracticable and contrary to the public interest. Delaying the effective date of this rule would delay the safety measures necessary to respond to potential safety hazards associated with this triathlon event. Immediate action is needed to protect participants, spectators, and other persons and vessels during the triathlon event.

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 Mobile (COTP) has determined that potential hazards associated with the triathlon event on April 27, 2018 and April 28, 2018 will be a safety concern for anyone within the area of the Black Warrior River between mile markers (MMs) 338.5 and 339.5. The purpose of this rule is to protect participants, spectators, and other persons and vessels before, during, and after the Triathlon event.

IV. Discussion of the Rule

As noted above, we received one comment on our NPRM published March 2, 2018. The comment received was unrelated to the subject matter of this rulemaking. However, the regulatory text has been changed from the proposed rule in the NPRM to include specific times for daily enforcement during the effective period.

This rule establishes a special local regulation on April 27, 2018 and April 28, 2018, which will be enforced between the hours of 4 a.m. and 6 p.m. daily. The regulated area will cover all navigable waters of the Black Warrior River between MMs 338.5 and 339.5, extending the entire width of the navigable channel. The duration of the regulation is intended to protect participants, spectators, and other persons and vessels before, during, and after the triathlon event. No vessel or person will be permitted to enter, transit within or through, or exit the regulated area without obtaining permission from the COTP or a designated representative. A designated representative may be a Patrol Commander (PATCOM). The PATCOM may be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Patrol Commander may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM''.

All persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The ''official patrol vessels'' consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned or approved by the Captain of the Port (COTP) Mobile to patrol the regulated area.

Spectator vessels desiring to enter, transit through or within, or exit the regulated area may do so only with permission from the Patrol Commander, and when permitted, must operate at a minimum safe navigation speed in a manner which will not endanger participants in the regulated area or any other vessels. No spectator vessel shall anchor, block, loiter, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for entry by or through an official patrol vessel. Any spectator vessel may anchor outside the regulated area, but may not anchor in, block, or loiter in a navigable channel. Spectator vessels may be moored to a waterfront facility within the regulated area in such a way that they shall not interfere with the progress of the event. Such mooring must be complete at least 30 minutes prior to the establishment of the regulated area and remain moored through the duration of the event.

The COTP or a designated representative may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

The COTP or a designated representative may terminate the event or the operation of any vessel at any time it is deemed necessary for the protection of life or property. The COTP or a designated representative would terminate enforcement of the special local regulations at the conclusion of the event.

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 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the size, location, duration, and time-of-year of the regulation. The special local regulation will take place on a one-mile stretch of navigable waterway, during a short duration of eleven hours on two days on the Black Warrior River from mile marker 338.5 to 339.5 on April 27, 2018 and April 28, 2018. Moreover, the Coast Guard will issue Broadcast Notices to Mariners (BNMs) via VHF–FM marine channel 16 about the regulation so that waterway users may plan accordingly for transits during this restriction. The rule also allows vessels to seek permission from the COTP or a designated representative to enter 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 above.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation on the Black Warrior River, extending the entire width of the river, from MM 338.5 to MM 339.5. 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 Record of Environmental Consideration (REC) 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 § 100.35T08–0014 to read as follows:

§ 100.35T08–0014 Special Local Regulation; Black Warrior River, Tuscaloosa, AL.

(a) *Regulated area.* All navigable waters of the Black Warrior River between mile markers 338.5 and 339.5 in Tuscaloosa, AL.

(b) *Effective period.* This section is effective from 4 a.m. on April 27, 2018 through 6 p.m. on April 28, 2018.

(c) *Enforcement periods.* This section will be enforced from 4 a.m. through 6 p.m. daily from April 27, 2018 through April 28, 2018.

(d) *Special local regulations.* (1) In accordance with the general regulations in § 100.801, entry into, transit within or through, or exit from this area is prohibited unless authorized by the Captain of the Port Sector Mobile (COTP) or a designated representative. A designated representative may be a Patrol Commander (PATCOM). The PATCOM may be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Patrol Commander may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM''.

(2) All persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The ''official patrol vessels'' consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned or approved by the Captain of the Port (COTP) Mobile to patrol the regulated area.

(3) Spectator vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer will be operated at a minimum safe navigation speed in a manner which will not endanger participants in the regulated area or any other vessels.

(4) No spectator vessel shall anchor, block, loiter, or impede the through transit of participants or official patrol

vessels in the regulated area during the effective dates and times, unless cleared for entry by or through an official patrol vessel.

(5) Any spectator vessel may anchor outside the regulated area, but may not anchor in, block, or loiter in a navigable channel. Spectator vessels may be moored to a waterfront facility within the regulated area in such a way that they shall not interfere with the progress of the event. Such mooring must be complete at least 30 minutes prior to the establishment of the regulated area and remain moored through the duration of the event.

(6) The COTP or a designated representative may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(7) The COTP or a designated representative may terminate the event or the operation of any vessel at any time it is deemed necessary for the protection of life or property.

(8) The COTP or a designated representative will terminate enforcement of the special local regulations at the conclusion of the event.

(e) *Informational broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners of the enforcement period for the temporary safety zone as well as any changes in the planned schedule.

Dated: April 17, 2018.

M.R. McLellan,

Captain, U.S. Coast Guard, Captain of the Port Sector Mobile.

[FR Doc. 2018–08463 Filed 4–23–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0083]

RIN 1625–AA00

Safety Zone; Mississippi Sound, Biloxi, MS

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters on the Mississippi Sound over the Biloxi Harbor Channel in Biloxi, MS. This action is necessary to provide for the safety of life and property on these navigable waters during the 2018 Biloxi Air Show. This regulation prohibits persons and vessels from entering the safety zone unless authorized by the Captain of the Port Sector Mobile (COTP) or a designated representative.

DATES: This rule is effective from 9 a.m. on July 19, 2018 through 5 p.m. on July 22, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0083 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 Lieutenant Kyle D. Berry, Sector Mobile, Waterways Management Division, U.S. Coast Guard; telephone 251–441–5940, email *Kyle.D.Berry@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Mobile
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

On January 3, 2018, the sponsor for the 2018 Biloxi Air Show submitted an application for a marine event permit for the air show that will take place every day from 9 a.m. through 5 p.m. from July 19, 2018 through July 22, 2018. In response, on March 9, 2018, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Mississippi Sound, Biloxi, MS (83 FR 10419). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this air show. During the comment period that ended April 9, 2018, we received no comments.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Sector Mobile (COTP) has determined that potential hazards associated with the air show on July 19, 2018 and July 22, 2018 will be a safety concern for any vessels or persons in the vicinity of waters of the navigable waters on the Mississippi Sound over the Biloxi Harbor Channel in Biloxi, MS. The purpose of this rule is to ensure the safety of vessels and persons before, during, and after the air show.

IV. Discussion of the Rule

As noted above, we received no comments on our NPRM published on March 9, 2018. There are no changes in the regulatory text of this rule from the NPRM.

This rule establishes a temporary safety zone on the Mississippi Sound within the positions of 30°23′22.6″ N 88°50′54.9″ W; 30°23′25.5″ N 88°53′12.1″ W; 30°22′52.3″ N 88°50′55.8″ W; 30°22′56.3″ N 88°53′11.9″ W over the Biloxi Harbor Channel in Biloxi, MS from 9 a.m. through 5 p.m. on July 19, 2018 through July 22, 2018. This rule is intended to ensure the safety of vessels and persons before, during, and after the 2018 Biloxi Air Show. No vessel or person is permitted to enter the zone without obtaining permission from the COTP or a designated representative. A designated representative may be a Patrol Commander (PATCOM). The PATCOM maybe aboard either a Coast Guard or Coast Guard Auxiliary vessel. The PATCOM may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM''. All persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The ''official patrol vessels'' consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned or approved by the COTP to patrol the zone.

Spectator vessels desiring to transit the zone may do so only with prior approval of the PATCOM and when so directed by that officer shall be operated at a minimum safe navigation speed in a manner that will not endanger any other vessels. No spectator vessel shall anchor, block, loiter, or impede the through transit of official patrol vessels in the zone during the effective dates and times, unless cleared for entry by or through an official patrol vessel. Any spectator vessel may anchor outside the zone, but may not anchor in, block, or loiter in a navigable channel. Spectator vessels may be moored to a waterfront facility within the zone in such a way that they shall not interfere with the progress of the air show. Such mooring must be complete at least 30 minutes prior to the establishment of the zone and remain moored through the duration of the air show.

The COTP or a designated representative may forbid and control the movement of all vessels in the zone.

When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the zone, citation for failure to comply, or both.

The COTP or a designated representative may terminate the operation of any vessel at any time it is deemed necessary for the protection of life or property. The COTP or a designated representative can terminate enforcement of the safety zone at the conclusion of the air show.

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 protectors.

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 size, location, and duration of the safety zone. This rule will take place on a small area of Mississippi Sound, during a short duration of only eight hours, lasting for four days from July 19, 2018 through July 22, 2018. Additionally, the Coast Guard will issue Broadcast Notices to Mariners via VHF–FM marine channel 16 about the safety zone so that waterway users may plan accordingly for transits during this restriction, and the rule also allows vessels to seek permission from the COTP or a designated representative to enter the zone.

B. Impact on Small Entities

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone on the Mississippi Sound, within the positions of 30°23′22.6″ N 88°50′54.9″ W; 30°23′25.5″ N 88°53′12.1″ W; 30°22′52.3″ N 88°50′55.8″ W; 30°22′56.3″ N 88°53′11.9″ W over the Biloxi Harbor Channel in Biloxi, MS. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration (REC) 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 33 CFR Part 165

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

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

PART 165–REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0083 to read as follows:

§ 165.T08–0083 Safety Zone; Mississippi Sound, Biloxi, MS

(a) *Location.* The following area is a safety zone. All navigable waters of the Mississippi Sound, within the positions of 30°23′22.6″ N 88°50′54.9″ W; 30°23′25.5″ N 88°53′12.1″ W; 30°22′52.3″ N 88°50′55.8″ W; 30°22′56.3″ N 88°53′11.9″ W over the Biloxi Harbor Channel in Biloxi, MS.

(b) *Enforcement period.* This section is effective from 9 a.m. on July 19, 2018 through 5 p.m. on July 22, 2018.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting through, or exiting from this area is prohibited unless authorized by the Captain of the Port Sector Mobile (COTP) or a designated representative. A designated representative may be a Patrol Commander (PATCOM). The PATCOM may be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The PATCOM may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM''.

(2) All persons and vessels not registered with the event sponsor as participants or official patrol vessels are considered spectators. The ''official patrol vessels'' consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned or approved by the COTP to patrol the regulated area.

(3) Spectator vessels desiring to transit the regulated area may do so only with prior approval of the COTP or a designated representative and when so directed by that officer will be operated at a minimum safe navigation speed in a manner that will not endanger participants in the zone or any other vessels.

(4) No spectator vessel shall anchor, block, loiter, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for entry by or through an official patrol vessel.

(5) Any spectator vessel may anchor outside the regulated area, but may not anchor in, block, or loiter in a navigable channel. Spectator vessels may be moored to a waterfront facility within the regulated area in such a way that they shall not interfere with the progress of the event. Such mooring must be complete at least 30 minutes prior to the establishment of the regulated area and remain moored through the duration of the event.

(6) The COTP or a designated representative may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(7) The COTP or a designated representative may terminate the event or the operation of any vessel at any time it is deemed necessary for the protection of life or property.

(8) The COTP or a designated representative can terminate enforcement of the safety zone at the conclusion of the event.

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners of the enforcement period for the temporary safety zone as well as any changes in the planned schedule.

Dated: April 17, 2018.

M.R. McLellan,

Captain, U.S. Coast Guard, Captain of the Port Sector Mobile.

[FR Doc. 2018–08461 Filed 4–23–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

Technical Correction to Combined Ratings Table

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; correcting amendment.

SUMMARY: The Department of Veterans Affairs (VA) published, in the **Federal Register** of March 18, 1976, a final rule amending its Schedule For Rating Disabilities regulations. The amendment, which was accurately reflected in the **Federal Register** document, was subsequently misprinted when included in Part 4 of title 38, Code of Federal Regulations. Therefore, VA is correcting this misprint which contained two typographical errors found in Table I of the Combined Ratings Table.

DATES: Effective April 24, 2018.

FOR FURTHER INFORMATION CONTACT: Gabrielle Mancuso, Consultant, Regulations Staff (211D), Compensation Service, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–9700. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: On March 18, 1976, VA published in the **Federal Register** (41 FR 11293), an amendment to Part 4 of title 38, Code of Federal Regulations, that revised several disabilities, added new ratings codes and criteria, and redesignated the Combined Ratings Table at 38 CFR 4.25 as ''Table I.'' Although there were no changes made to the combined ratings values found in Table I, the table was misprinted when published in the Code of Federal Regulations. Specifically, two typographical errors were made on row 89 columns 70 and 80. This misprint has continued in both paper and online publications to date.

This document now corrects those typographical errors by removing ''87'' and adding in its place ''97'' (row 89 column 70) and removing ''38'' and adding in its place ''98'' (row 89 column 80). These errors do not affect any benefits which were previously paid as VA's electronic systems have correctly computed the combined degree of disability.

List of Subjects in 38 CFR Part 4

Administrative practice and procedure, Claims, Disability benefits, Veterans.

Approved: April 19, 2018.

Jeffrey M. Martin,

Impact Analyst, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For reasons stated in the preamble, VA amends 38 CFR part 4 by making the following correcting amendments:

PART 4—SCHEDULE FOR RATING DISABILITIES

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

Authority: 38 U.S.C. 1155, unless otherwise noted.

■ 2. In § 4.25 ''Table I-Combined Ratings Table'' revise row 89 to read as follows:

§ 4.25 Combined ratings table.

* * * * *

TABLE I—COMBINED RATINGS TABLE

[10 combined with 10 is 19]

	10	20	30	40	50	60	70	80	90
*		*	*	*		*	*	*	
89	90	91	92	93	95	96	97	98	99
*		*	*	*		*	*	*	

[FR Doc. 2018–08512 Filed 4–23–18; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R07–OAR–2018–0005; FRL–9977–10—Region 7]

Approval of State Plans for Designated Facilities and Pollutants; Missouri; Hospital, Medical, and Infectious Waste Incineration (HMIWI) Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Missouri state plan for designated facilities and pollutants developed under sections 111(d) and 129 of the Clean Air Act (CAA) that were requested by Missouri Department of Natural Resources (MDNR) in two separate submissions made on August 8, 2011 and on July 3, 2014. This final action will amend the state regulations referenced in the state's 111(d) plan applicable to existing Hospital, Medical, Infectious Waste Incinerators (HMIWI) operating in the state of Missouri. The state rule revisions we are approving with this action update HMIWI regulatory requirements for emission limits for waste management plans, training, compliance and performance testing, monitoring, and reporting and recordkeeping to be consistent with updates to Federal rules. These regulatory revisions we are approving into Missouri's state plan do not impact air quality. EPA's approval of this revision is being performed in accordance with the requirements of CAA section 111(d) as further described in the Technical Support Document that is included in this docket.

DATES: This rule will be effective May 24, 2018.

FOR FURTHER INFORMATION CONTACT: Larry Gonzalez, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7041 or by email at *gonzalez.larry@epa.gov*.

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

I. What is being addressed in this document?
II. What action is EPA taking?
III. Statutory and Executive Order Reviews

I. What is being addressed in this document?

EPA is approving revisions to the regulations cited in Missouri's state plan for HMIWI facilities and pollutants developed under sections 111(d) and 129 of the CAA that were requested by MDNR in two separate submissions made on August 8, 2011, and on July 3, 2014. This regulatory action is a revision to the state's regulatory requirements for existing facilities and not new sources. The amended state rule limits emissions of metals, particulate matter, acid gases, organic compounds, carbon monoxide, and opacity. These rule revisions are necessary to ensure that the state regulations applicable to HMIWI are consistent with updates to Federal rules for HMIWI.

The August 8, 2011, submittal updates requirements for emission limits, waste management plans, training, compliance and performance testing, monitoring, and reporting and recordkeeping requirements that apply to existing HMIWI facilities. Additionally, the state's regulatory revisions also include the movement of definitions, previously located in the state rule that applies specifically to HMIWI (10 CSR 10–6.200) to a new regulatory section that contains definitions applicable to air rules in general (10 CSR 10–6.020).

In the July 3, 2014 request, Missouri is seeking approval of additional revisions made to 10 CSR 10–6.200 that revise the regulations to follow the revised Federal standards. In addition to updating the emission standard tables, the revisions remove language from the compliance and performance testing provisions applicable to HMIWI that provided an exemption to compliance with the emission limits during startup, shutdown and malfunction conditions. Additionally, the state revised the hierarchy of definitions to clearly state that the applicable definitions in the Code of Federal Regulations take precedence over those in 10 CSR 10–6.020, and revised the test methods references in the state rule to match how the test methods are referred to in the Federal HMIWI regulations.

This final action addresses both requests to amend the state plan by amending the underlying regulation referenced in the 111(d) plan applicable to HMIWI. For additional information on EPA's rational for approval, see EPA's proposal which contains background information for this action (83 FR 5231, February 6, 2018).

II. What action is EPA taking?

EPA is approving Missouri's August 8, 2011 and July 3, 2014, submittals of its amended 111(d) plan for HMIWI in accordance with our proposed rule dated February 6, 2018 (83 FR 5231), in which we proposed to approve the MDNR request and requested comment regarding our future action. EPA received one comment in response to our proposal which was not related to the proposed rule and therefore a response is not required.

III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011). This action is not subject to review under Executive

Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866. This action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rulemaking would approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it 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).

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

This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). Thus Executive Order 13132 does not apply to this action. This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rulemaking also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) because it approves a state rule implementing a Federal standard.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a state submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA when it reviews a state submission, to use VCS in place of a state submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Burden is defined at 5 CFR 1320.3(b).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Hospital, medical, and infectious incineration units, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: April 16, 2018.

Karen A. Flournoy,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR part 62 as set forth below:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart AA—Missouri

■ 2. Amend § 62.6358 by adding paragraph (e) to read as follows:

§ 62.6358 Identification of plan.

* * * * *

(e) *Amended plan.* Submitted by the Missouri Department of Natural Resources on July 3, 2014 and August 8, 2011. The effective date of the amended plan is May 24, 2018.

[FR Doc. 2018–08536 Filed 4–23–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 147

[EPA–HQ–OW–2013–0280; FRL–9976–92–OW]

State of North Dakota Underground Injection Control Program; Class VI Primacy Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is hereby approving an application from the state of North Dakota under the Safe Drinking Water Act (SDWA) to implement an underground injection control (UIC) program for Class VI injection wells located within the state, except within Indian lands.

DATES: This regulation is effective April 24, 2018. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of April 24, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OW–2013–0280. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Lisa McWhirter, Drinking Water Protection Division, Office of Ground Water and Drinking Water (4606M), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2317; fax number: (202) 564–3754; email address: *mcwhirter.lisa@epa.gov* or Craig Boomgaard, Underground Injection Control Unit, U.S. Environmental Protection Agency, Region 8, 1595 Wynkoop Street, MSC 8WP–SUI, Denver, Colorado 80202; telephone number: (303) 312–6794; fax number: (303) 312–7084; email address: *boomgaard.craig@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The state of North Dakota received primary enforcement responsibility (primacy) for Class I, III, IV and V injection wells under SDWA section 1422 on September 21, 1984, and Class II injection wells under SDWA section 1425 on May 11, 1984. The state of North Dakota has applied to the EPA under SDWA section 1422, 42 U.S.C. 300h–1, for primacy for Class VI injection wells, except within Indian lands. This action is based on a legal and technical review of the state of North Dakota's application as directed in the Code of Federal Regulations (CFR) at 40 CFR part 145. As a result of

this review, the EPA is approving the state of North Dakota's application because it meets all applicable requirements for approval under SDWA section 1422, and the state is capable of administering a Class VI UIC program in a manner consistent with the terms and purposes of SDWA and all applicable regulations.

II. Legal Authorities

These regulations are being promulgated under authority of SDWA sections 1422 and 1450, 42 U.S.C. 300h–1 and 300j–9.

III. Requirements for State UIC Programs

SDWA section 1421 requires the Administrator of the EPA to promulgate minimum requirements for effective state UIC programs to prevent underground injection activities that endanger underground sources of drinking water (USDWs). SDWA section 1422 establishes requirements for states seeking EPA approval of state UIC programs.

For states that seek approval for UIC programs under SDWA section 1422, the EPA has promulgated a regulation setting forth the applicable procedures and substantive requirements, codified in 40 CFR part 145. It includes requirements for state permitting programs (by reference to certain provisions of 40 CFR parts 124 and 144), compliance evaluation programs, enforcement authority, and information sharing.

IV. North Dakota's Application

A. Background

On June 21, 2013, the state of North Dakota submitted a program revision application to add Class VI injection wells to its SDWA section 1422 UIC program. The EPA reviewed the application and published a **Federal Register** notice of North Dakota's Underground Injection Control Program Revision Application on August 9, 2013 (78 FR 48639), which sought public comments and provided an opportunity to request a public hearing. Public notice of North Dakota's application was also published in the *Bismarck Tribune* on August 9, 2013.

B. Public Participation Activities Conducted by the State of North Dakota

The state of North Dakota held two public hearings with public comment periods on the state's intent to adopt its Class VI UIC regulations. The first public hearing was held on April 24, 2012, and the public comment period closed on June 8, 2012. The second public hearing was held on October 22, 2012, and the public comment period closed on November 1, 2012. Both public hearings were held in Bismarck, North Dakota, and no public comments were received during the two public comment periods.

C. Public Participation Activities Conducted by the EPA

On August 9, 2013, a notice announcing North Dakota's Underground Injection Control Program Revision was published in the **Federal Register** (78 FR 48639) and in the *Bismarck Tribune*. This notice provided that a public hearing would be held if requested. The agency did not receive any requests for a public hearing and received five written comments. Two comments were outside the scope of the state's application and three comments were focused on the Memorandum of Agreement between Region 8 and the North Dakota Industrial Commission. The EPA worked with the Commission to address these comments and revise the Memorandum of Agreement.

V. Public Comments Received on the Proposed Rule and EPA's Response to Comments

On May 19, 2017, EPA issued a proposed rulemaking (82 FR 22949) and requested public comment. The public comment period was open for 60 days and ended on July 18, 2017. The EPA received comments from 15 individual commenters. Of these 15 commenters, 11 submitted comments in support of the rule; 1 commenter submitted a comment outside the scope of the rule; and 3 commenters submitted 13 comments asserting that certain provisions in North Dakota's regulations do not meet the federal requirements. After close consideration of these 13 comments, the EPA resolved 11 in its response and determined 2 to be outside the scope of the rule. The comments EPA received and EPA's responses are available in EPA's Docket No. EPA–HQ–OW–2013–0280.

VI. EPA's Approval

In this action, the EPA is approving the state of North Dakota's Class VI UIC program; hereby, the state will assume primary enforcement responsibility (primacy) for regulating Class VI injection wells in the state, except within Indian lands. Support of this action is part of the public record in EPA's Docket No. EPA–HQ–OW–2013–0280. This action amends 40 CFR part 147 and incorporates by reference the EPA-approved state statutes and regulations. The EPA will continue to administer the UIC program for all well classes within Indian lands.

The provisions of the state of North Dakota's Code that contain standards, requirements, and procedures applicable to owners or operators of Class VI UIC wells are incorporated by reference into 40 CFR 147.1751. Provisions of the state of North Dakota's Code that contain standards, requirements, and procedures applicable to owners or operators of Class I, III, IV and V injection wells have already been incorporated by reference into 40 CFR 147.1751. Any provisions incorporated by reference, as well as all permit conditions or permit denials issued pursuant to such provisions, will be enforceable by the EPA pursuant to SDWA section 1423 and 40 CFR 147.1(e).

In order to better serve the public, the EPA is reformatting the codification of the EPA-approved North Dakota SDWA section 1422 Underground Injection Control Program Statutes and Regulations for Well Classes I, III, IV, V and VI. Instead of codifying the North Dakota Statutes and Regulations as separate paragraphs, the EPA is now incorporating by reference a binder that contains the EPA-approved North Dakota Statutes and Regulations for Well Classes I, III, IV, V and VI. This binder is incorporated by reference into § 147.1751 and is available at *http://www.regulations.gov* in the docket for this rule. A complete list of the contents of the binder ''EPA-approved North Dakota SDWA § 1422 Underground Injection Control Program Statutes and Regulations for Well Classes I, III, IV, V and VI'' is codified as Table 1 to paragraph (a) in that section.

The EPA will continue to oversee the state of North Dakota's administration of the SDWA Class VI program. Part of the EPA's oversight responsibility will require quarterly reports of non-compliance and annual UIC performance reports pursuant to 40 CFR 144.8. The Memorandum of Agreement between the EPA and the state of North Dakota, signed by the Regional Administrator on October 28, 2013, provides the EPA with the opportunity to review and comment on all permits.

VII. Effective Date

This final rule is effective immediately upon publication. Section 553(d) of the Administrative Procedure Act (''APA''), 5 U.S.C. 553(d), provides that final rules shall not become effective until 30 days after publication in the **Federal Register**, ''except . . . as otherwise provided by the agency for good cause,'' among other exceptions. The purpose of this provision is to ''give affected parties a reasonable time to adjust their behavior before the final

rule takes effect.'' *Omnipoint Corp.* v. *FCC*, 78 F.3d 620, 630 (D.C. Cir. 1996); see also *United States* v. *Gavrilovic*, 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history). Thus, in determining whether good cause exists to waive the 30-day delay, an agency should ''balance the necessity for immediate implementation against principles of fundamental fairness which require that all affected persons be afforded a reasonable amount of time to prepare for the effective date of its ruling.'' Gavrilovic, 551 F.2d at 1105. EPA has determined that there is good cause for making this final rule effective immediately because this action will simply provide that the state of North Dakota has primacy under SDWA for the Class VI UIC program, pursuant to which the state of North Dakota will be implementing and enforcing a state regulatory program that is as stringent as the existing federal program. At this time, there are no federally permitted Class VI wells in North Dakota. As a result, there are no current permittees that need time to prepare for this rule and any prospective permittees will benefit from the regulatory certainty that an immediate effective date will provide. This final rule will not require affected persons to take action or change behavior to come into compliance within the next 30 days. Furthermore, several prospective applicants are waiting for the state of North Dakota to receive primacy before submitting their permit applications. For these reasons, the EPA finds that good cause exists under section 553(d)(3) to make this rule effective immediately upon publication.

VIII. Statutory and Executive Order Reviews

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

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

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

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

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2040–0042. Reporting or recordkeeping requirements will be based on the state of North Dakota UIC Regulations, and the state of North Dakota is not subject to the PRA.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This rule does not impose any requirements on small entities as this rule approves a state program. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector. EPA's approval of the state of North Dakota's program will not constitute a federal mandate because there is no requirement that a state establish UIC regulatory programs and because the program is a state, rather than a federal program.

F. Executive Order 13132: Federalism

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

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

This action does not have tribal implications as specified in Executive Order 13175. This action contains no federal mandates for tribal governments and does not impose any enforceable duties on tribal governments. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it approves a state program.

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

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

J. National Technology Transfer and Advancement Act and 1 CFR Part 51

This rulemaking does not involve technical standards. The binder, ''EPA-Approved North Dakota SDWA § 1422 Underground Injection Control Program Statutes and Regulations for Well Classes I, III, IV, V and VI,'' dated December 2013, is described in greater detail in Section VI of this preamble. The material is reasonably available through the rulemaking docket on *www.regulations.gov* and from the EPA.

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

The EPA has determined that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This action will simply provide that the state of North Dakota has primacy under SDWA for the Class VI UIC program, pursuant to which the state of North Dakota will be implementing and enforcing a state regulatory program that is as stringent as the existing federal program.

L. Congressional Review Act (CRA)

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

List of Subjects in 40 CFR Part 147

Environmental protection, Incorporation by reference, Indian—lands, Intergovernmental relations,

Reporting and recordkeeping requirements, Water supply.

Dated: April 10, 2018.

E. Scott Pruitt,

Administrator.

For the reasons set out in the preamble, the Environmental Protection Agency amends 40 CFR part 147 as follows:

PART 147—STATE, TRIBAL, AND EPA-ADMINISTERED UNDERGROUND INJECTION CONTROL PROGRAMS

■ 1. The authority citation for part 147 continues to read as follows:

Authority: 42 U.S.C. 300h–4.

■ 2. In § 147.1751:

■ a. Revise the section heading, the introductory text, paragraph (a), and paragraph (b) introductory text.

■ b. Add paragraphs (e) through (h).

The revisions and additions read as follows:

§ 147.1751 State-administered program—Class I, III, IV, V and VI wells.

The UIC program for Class I, III, IV and V wells in the state of North Dakota, except those located on Indian lands, is the program administered by the North Dakota Department of Health, approved by the EPA pursuant to SDWA section 1422. Notification of this approval was published in the **Federal Register** on September 21, 1984; the effective date of this program is October 5, 1984. The UIC Program for Class VI wells in the state of North Dakota, except those located on Indian lands, is the program administered by the North Dakota Industrial Commission, approved by the EPA pursuant to SDWA section 1422. Notification of this approval was published in the **Federal Register** on April 24, 2018; the effective date of this program is April 24, 2018. This program consists of the following elements, as submitted to the EPA in the state's program revision application.

(a) The requirements set forth in the state statutes and regulations cited in the binder entitled ''EPA-Approved North Dakota SDWA § 1422 Underground Injection Control Program Statutes and Regulations for Well Classes I, III, IV, V and VI,'' dated December 2013, and listed in Table 1 to paragraph (a) of this section, are incorporated by reference and made a part of the applicable UIC program under SDWA for the state of North Dakota. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the North Dakota regulations that are incorporated by reference in paragraph (a) of this section may be inspected at the U.S. Environmental Protection Agency, Region 8, Library 2nd Floor, 1595 Wynkoop Street, Denver, Colorado 80202; Water Docket, EPA Docket Center (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460; and the National Archives and Records Administration (NARA). If you wish to obtain materials from the EPA Regional Office, please call (303) 312–1226; for materials from a docket in the EPA Headquarters Library, please call the Water Docket at (202) 566–2426. 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*.

TABLE 1 TO PARAGRAPH (A) EPA-APPROVED NORTH DAKOTA SDWA § 1422 UNDERGROUND INJECTION CONTROL PROGRAM STATUTES AND REGULATIONS FOR WELL CLASSES I, III, IV, V AND VI

State citation	Title/subject	State effective date	EPA approval date [1]
North Dakota Century Code Sections 38–12–01—38–12–03.	Regulation, Development and Production of Subsurface Minerals.	1980	September 21, 1984, 49 FR 37066.
North Dakota Century Code Sections 61–28–02 and 61–28–06.	Control, Prevention and Abatement of Pollution of Surface Waters.	1989	March 6, 1991, 56 FR 9418.
North Dakota Administrative Code Sections 33–25–01–01—33–25–01–18.	Underground Injection Control Program	1983	September 21, 1984, 49 FR 37066.
North Dakota Administrative Code Sections 43–02–02–01–43–02–02–50.	Subsurface Mineral Exploration and Development.	1986	March 6, 1991, 56 FR 9418.
North Dakota Administrative Code Sections 43–02–02.1–01—43–02–02.2–19.	Underground Injection Control Program	1984	September 21, 1984, 49 FR 37066.
North Dakota Century Code Sections 38–22–01—38–22–23.	Carbon Dioxide Underground Storage ...	2009	April 24, 2018, [Insert **Federal Register** citation].
North Dakota Administrative Code Sections 38–08–16—38–08–17.	Control of Oil and Gas Resources	2013	April 24, 2018, [Insert **Federal Register** citation].
North Dakota Administrative Code Sections 43–05–01–01—43–05–01–20.	Geologic Storage of Carbon Dioxide	2013	April 24, 2018, [Insert **Federal Register** citation].

[1] In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

(b) The following statutes and regulations, although not incorporated by reference, also are part of the approved State-administered program:

* * * * *

(e) The Memorandum of Agreement between EPA Region VIII and the North Dakota Industrial Commission, signed by the EPA Regional Administrator on October 28, 2013.

(f) The Memorandum of Understanding between the North Dakota Industrial Commission, Department of Mineral Resources, Oil and Gas Division and the North Dakota Department of Health, Water Quality Division, Related to the Underground Injection Control Program signed on June 19, 2013.

(g) The statement of legal authority, ''Class VI Underground Injection Control Program, Attorney General's Statement,'' signed by the Attorney General of North Dakota on January 22, 2013.

(h) The Class VI Program Description and any other materials submitted as part of the program revision or as supplements thereto.

[FR Doc. 2018–08425 Filed 4–23–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 237

[Docket DARS–2018–0024]

RIN 0750–AJ49

Defense Federal Acquisition Regulation Supplement: Educational Service Agreements (DFARS Case 2017–D039)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule; correction.

SUMMARY: DoD is making a correction to the docket number listed in the final rule published on April 13, 2018, which amended the Defense Federal Acquisition Regulation Supplement (DFARS) to remove limiting language related to educational service agreements. This correction will allow DoD to make agreements that permit payment for Masters of Laws degrees and other legal training programs, in accordance with applicable law, regulation, and policy.

DATES: Effective April 24, 2018. Applicable beginning April 13, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Hawes, telephone 571–372–6115.

SUPPLEMENTARY INFORMATION: In the final rule published at 83 FR 16004 on April 13, 2018, on page 16004, in the third column, the docket number cited at the top of the document, DARS–2018–0013, is corrected to read DARS–2018–0024.

Jennifer Lee Hawes,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2018–08551 Filed 4–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 180417378–8379–01]

RIN 0648–BH89

Magnuson-Stevens Fishery Conservation and Management Act; Lifting the Stay on Inclusion of Shrimp and Abalone in the Seafood Traceability Program

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

ACTION: Final rule; compliance date and lift of stay.

SUMMARY: NMFS issued a final rule on December 9, 2016 to establish the Seafood Traceability Program, also known as the Seafood Import Monitoring Program or SIMP. Implementation of the Program for shrimp and abalone species was stayed indefinitely due to NMFS' determination that current data collection for shrimp and abalone aquacultured in the U.S. is not equivalent to the data that would have been required to be reported for imports of these products. The Consolidated Appropriations Act of 2018 directed the Secretary of Commerce, within 30 days of enactment of the Act, to lift the stay on the implementation of the Seafood Traceability Program with respect to shrimp and abalone. This rule informs the affected public of the effective and compliance dates for the reporting and recordkeeping requirements, applicable for imports of shrimp and abalone species originating from both wild capture fisheries and aquaculture operations.

DATES: *Effective date:* The stay on 50 CFR 300.324(a)(3) is lifted effective May 24, 2018.

Compliance date: The compliance date for this rule for the species included at 50 CFR 300.324(a)(3) is December 31, 2018.

FOR FURTHER INFORMATION CONTACT: Celeste Leroux at (301) 427–8372 or *Celeste.Leroux@noaa.gov*.

SUPPLEMENTARY INFORMATION: The Seafood Traceability Program (*see* 50 CFR 300.320–300.325) is the first phase of a risk-based traceability program, which establishes permit, reporting and recordkeeping requirements needed to prevent illegally harvested and misrepresented seafood from entering into U.S. Commerce. In the development of the Seafood Traceability Program rule, 13 ''priority'' species were identified as being most at risk for Illegal, Unreported, and Unregulated (IUU) fishing and misrepresentation, and are the only species currently subject to this program. For two of those species (abalone and shrimp), NMFS stayed program requirements indefinitely (50 CFR 300.324(a)(3)). *See* 81 FR 88975 (December 9, 2016). This rule lifts that stay, effective May 24, 2018, and establishes a compliance date of December 31, 2018 for shrimp and abalone.

NMFS had stayed requirements for abalone and shrimp because gaps existed in the collection of traceability information for domestic aquaculture-raised shrimp and abalone, which is currently largely regulated at the state level. During development of the Seafood Traceability Program, NMFS explored the possibility of working with its state partners to establish reporting and recordkeeping requirements for aquaculture traceability information that could be shared with NMFS. However, this did not prove to be a viable approach. *See* 81 FR at 88977–78. In the Seafood Import Monitoring Program final rule, NMFS explained that ''[A]t such time that the domestic reporting and recordkeeping gaps have been closed, NMFS will then publish an action in the **Federal Register** to lift the stay of the effective date for § 300.324(a)(3) of the rule pertaining to shrimp and abalone. Adequate advance notice to the trade community would be provided'' to ensure all affected parties have sufficient time to come into compliance.

On March 23, 2018, the Consolidated Appropriations Act of 2018 (Pub. L. 115–141) was signed by the President and became law. Section 539 of Division B of the Act directed the Secretary of Commerce to, within 30 days, lift the stay on the effective date of the final rule for the Seafood Traceability Program published by the Secretary on December 9, 2016, (81 FR 88975) for the species described in 50 CFR 300.324(a)(3), provided that the compliance date for the species described in 50 CFR 300.324(a)(3) shall occur not later than December 31, 2018. This rule implements the Act and provides that shrimp and abalone will be subject to the requirements of the Seafood Traceability Program under 50 CFR 300.324(a)(3) effective May 24, 2018 with a compliance date December 31, 2018.

The Program consists of two components: (1) Reporting of harvest events at the time of entry; and (2)

permitting and recordkeeping requirements with respect to both harvest events and chain of custody information. *See* 50 CFR 300.324 and *id.* §§ 300.320–300.323 and 300.325. Application of the program's reporting and recordkeeping requirements to shrimp and abalone will enable audits of imports to be conducted to determine the origin of the products and confirm that they were lawfully acquired.

As of the December 31, 2018 compliance date established by this rule, importers of shrimp and abalone species will be required to obtain an International Fisheries Trade Permit as specified at 50 CFR 300.322, submit harvest and landing information on those products into the U.S. Customs and Border Protection International Trade Data System (ITDS) through the Automated Commercial Environment (ACE) portal prior to entry into U.S. Commerce, and maintain supply chain records from the point of harvest to the point of entry into U.S. Commerce for a period of two years after entry. International Fishery Trade Permits are currently available for issuance and it is anticipated that ACE reporting will be available for testing prior to the compliance date. Prior to December 31, 2018, NMFS will publish a notice in the **Federal Register** to inform interested parties that ACE programming has been completed to allow U.S. importers to test software for ACE entry reporting for shrimp and abalone. For products harvested prior to the compliance date, U.S. importers should work with their foreign suppliers to ensure that the harvest event and supply chain records are available for any entries made on or after December 31, 2018.

Domestic Aquaculture Rulemaking

Section 539 of Title V of Division B of the Consolidated Appropriations Act of 2018 (Pub. L. 115–141) also directed the Secretary of Commerce to ''. . . establish a traceability program for United States inland, coastal, and marine aquaculture of shrimp and abalone . . .'' and by December 31, 2018 to ''. . . promulgate such regulations as are necessary and appropriate to establish and implement the program.'' Concurrent with the work to develop import reporting mechanisms, NMFS will develop reporting and recordkeeping requirements for domestic aquaculture-raised shrimp and abalone.

Harmonized Tariff Schedule Codes

The Harmonized Tariff Schedule (HTS) codes applicable to the products subject to the requirements of this rule may be revised from time to time by the International Trade Commission. Any such changes will be reflected in the NMFS Implementation Guides for ACE that are posted to the internet by the U.S. Customs and Border Patrol (CBP). Application of this rule to entries of fish and fish products filed under the following HTS codes will be mandatory as of December 31, 2018, when these shrimp and abalone HTS codes will be designated in ACE as requiring a complete Seafood Traceability Program data set in order to obtain release of the inbound shipment:

HTS code	Commodity description
306160003	SHRIMP COLD-WATER SHELL-ON FROZEN <15.
306160006	SHRIMP COLD-WATER SHELL-ON FROZEN 15/20.
306160009	SHRIMP COLD-WATER SHELL-ON FROZEN 21/25.
306160012	SHRIMP COLD-WATER SHELL-ON FROZEN 26/30.
306160015	SHRIMP COLD-WATER SHELL-ON FROZEN 31/40.
306160018	SHRIMP COLD-WATER SHELL-ON FROZEN 41/50.
306160021	SHRIMP COLD-WATER SHELL-ON FROZEN 51/60.
306160024	SHRIMP COLD-WATER SHELL-ON FROZEN 61/70.
306160027	SHRIMP COLD-WATER SHELL-ON FROZEN >70.
306160040	SHRIMP COLD-WATER PEELED FROZEN.
306170003	SHRIMP WARM-WATER SHELL-ON FROZEN <15.
306170006	SHRIMP WARM-WATER SHELL-ON FROZEN 15/20.
306170009	SHRIMP WARM-WATER SHELL-ON FROZEN 21/25.
306170012	SHRIMP WARM-WATER SHELL-ON FROZEN 26/30.
306170015	SHRIMP WARM-WATER SHELL-ON FROZEN 31/40.
306170018	SHRIMP WARM-WATER SHELL-ON FROZEN 41/50.
306170021	SHRIMP WARM-WATER SHELL-ON FROZEN 51/60.
306170024	SHRIMP WARM-WATER SHELL-ON FROZEN 61/70.
306170027	SHRIMP WARM-WATER SHELL-ON FROZEN >70.
306170040	SHRIMP WARM-WATER PEELED FROZEN.
1605211000	SHRIMPS AND PRAWNS, NOT IN AIRTIGHT CONTAINERS.
1605291010	SHRIMPS AND PRAWNS, FROZEN, IN AIRTIGHT CONTAINERS.
1605291040	SHRIMPS AND PRAWNS, PREPARED OR PRESERVED, IN AIRTIGHT CONTAINERS, OTHERS.
1605211020	SHRIMPS AND PRAWNS, BREADED, FROZEN.
1605211030	SHRIMPS AND PRAWNS, PREPARED OTHERS, FROZEN.
1605211050	SHRIMPS AND PRAWNS, PREPARED OR PRESERVED, NOT IN AIRTIGHT CONTAINERS, OTHERS.
306350020	COLD-WATER SHRIMPS AND PRAWNS (PANDALUS SPP., CRANGON CRANGON), LIVE, FRESH OR CHILLED, SHELL-ON.
306350040	COLD-WATER SHRIMPS AND PRAWNS (PANDALUS SPP., CRANGON CRANGON), FRESH OR CHILLED, PEELED.
306360020	SHRIMPS AND PRAWNS, LIVE, FRESH OR CHILLED, SHELL-ON, OTHER THAN COLD-WATER.
306360040	SHRIMPS AND PRAWNS, FRESH OR CHILLED, PEELED, OTHER THAN COLD-WATER.
306950020	SHRIMPS AND PRAWNS, SHELL-ON, OTHERS.
306950040	SHRIMPS AND PRAWNS, PEELED, OTHERS.
1604200510	PREPARED MEALS CONTAINING MEAT OF CRUSTACEANS, MOLLUSCS OR OTHER AQUATIC INVERTEBRATES, OTHERS.
1604200590	PRODUCTS CONTAINING MEAT OF CRUSTACEANS, MOLLUSCS OR OTHER AQUATIC INVERTEBRATES, OTHERS.
1605210500	SHRIMP AND PRAWN PRODUCTS CONTAINING FISH MEAT; PREPARED MEALS NOT IN AIRTIGHT CONTAINERS.
1605570500	ABALONE PRODUCTS PREPARED DINNERS.
1605576000	ABALONE PREPARED/PRESERVED.
307810000	LIVE, FRESH OR CHILLED ABALONE (HALIOTIS SPP.).
307830000	FROZEN ABALONE (HALIOTIS SPP.).
307870000	OTHER ABALONE (HALIOTIS SPP.).

HTS code	Commodity description
307890000	ABALONE, NESOI.
160557000	ABALONE (HALIOTIS SPP.), PREPARED OR PRESERVED.

Highly processed fish products (fish oil, slurry, sauces, sticks, balls, cakes, puddings, and other similar highly processed fish products) for which the species of fish comprising the product or the harvesting event(s) or aquaculture operation(s) of the product cannot be feasibly identified are not subject to the requirements of this rule. *See* 50 CFR 300.324(a)(1). Therefore, HTS codes for such fish and fish products have not been included in the lists above. However, importers are advised to determine if other NMFS program requirements or other agency requirements (*e.g.,* State Department, Food and Drug Administration) have ACE data reporting requirements applicable to HTS codes used for entry filing, whether or not those codes have been identified for the Seafood Traceability Program.

Stakeholder Engagement

As part of NOAA's ongoing efforts to provide industry awareness of and support for compliance with the Seafood Traceability Program's traceability data reporting and recordkeeping requirements, NMFS will hold in-person and virtual public meetings to discuss the implementation of the U.S. Seafood Traceability Program and address questions from participants regarding all species covered by the Program, including shrimp and abalone. Meetings will address issues relevant to both foreign exporters and U.S. domestic importers of seafood species whose products are covered by the Seafood Traceability Program. Information on future Program implementation meetings and transcripts of prior meetings and webinars can be found at *http://www.iuufishing.noaa.gov/RecommendationsandActions/RECOMMENDATION1415/FinalRuleTraceability.aspx*.

Classification

The Assistant Administrator for Fisheries, NOAA (AA) has determined that this final action is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

The AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and an opportunity for public comment on this final action as they are unnecessary because the public already had such opportunity during the proposed rule stage of the Seafood Traceability Program rulemaking. At that time, the public had an opportunity to comment both on the Program's requirements and on delayed implementation of the Program for shrimp and abalone. In the preamble to the proposed rule, NMFS stated, ''While it remains NMFS' full intention to include shrimp and abalone in the final rule, implementation of measures to address those gaps [in domestic reporting and recordkeeping requirements for aquaculture-raised shrimp and abalone] may affect the timing of implementation of the reporting and recordkeeping requirements for imports of shrimp and abalone. In particular, if gaps remain unaddressed by the time of publication of a final rule, NMFS intends to delay implementation of the rule for shrimp and abalone until such time as, working with its state and federal partners, it is able to determine that the gaps have been addressed and publishes a notice in the **Federal Register** specifying implementation of this rule for those species.'' *See* 81 FR at 6212.

In addition, this final rule does not change substantive requirements of the Seafood Traceability Program. Rather, as directed by statute (Consolidated Appropriations Act of 2018, Pub. L. 115–141), it lifts the stay for species (shrimp and abalone) described in 50 CFR 300.324(a)(3) and provides a compliance date of December 31, 2018.

Later this year, NMFS will publish a proposed rule establishing reporting and recordkeeping requirements for domestic producers of aquaculture-raised shrimp and abalone, as directed by Congress in Section 539 of Title V of Division B of the Consolidated Appropriations Act of 2018. At that time, NMFS will provide the public with an opportunity to comment on that proposed rule.

Executive Orders 12866 and 13771 and the Regulatory Flexibility Act

This final rule has been determined to be not significant for purposes of Executive Order 12866. This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

NMFS prepared a Regulatory Impact Review and Final Regulatory Flexibility Analysis (RIR/FRFA) for the Seafood Traceability Program which described the Program, its economic impact on small entities, and the legal basis for the action. The RIR/FRFA included an analysis of the economic impact of adding shrimp and abalone to the Program. Copies of the final RIR/FRFA are available from NMFS (see **ADDRESSES**).

Paperwork Reduction Act

This final rule contains a collection-of-information requirement subject to review and approval by OMB under the Paperwork Reduction Act (PRA). OMB had previously approved the information collection requirements for the Seafood Traceability Program under Control Number 0648–0739, but the burden estimates did not include the requirements for shrimp and abalone given the stay. The requirements for permitting, reporting and recordkeeping for imports of shrimp and abalone will be submitted to OMB for approval. In a separate **Federal Register** notice, NMFS will solicit public comment on the information collection burden for the shrimp and abalone requirements under this rule.

Public comment will be sought regarding: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 300

Exports, Fisheries, Fishing, Fishing vessels, Illegal, Unreported or unregulated fishing, Foreign relations, Imports, International trade permits, Treaties.

Accordingly, 50 CFR part 300 is amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 16 U.S.C. 951 *et seq.,* 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 5501 *et seq.,* 16 U.S.C. 2431 *et seq.,* 31 U.S.C. 9701 *et seq.*

§ 300.324 [Amended]

■ 2. In § 300.324, the stay on paragraph (a)(3) is lifted.

Dated: April 19, 2018.

Samuel D. Rauch, III,

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

[FR Doc. 2018–08553 Filed 4–23–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 79
Tuesday, April 24, 2018

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Part 5

[Docket No. DHS–2017–0040]

Privacy Act of 1974: Implementation of Exemptions; Department of Homeland Security/ALL–041 External Biometric Records (EBR) System of Records

AGENCY: Privacy Office, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Homeland Security (DHS) is giving concurrent notice of a new system of records pursuant to the Privacy Act of 1974 for the ''Department of Homeland Security/ALL–041 External Biometric Records (EBR) System of Records'' and this proposed rulemaking. In this proposed rulemaking, the Department proposes to exempt portions of the system of records from one or more provisions of the Privacy Act because of criminal, civil, and administrative enforcement requirements.

DATES: Comments must be received on or before May 24, 2018.

ADDRESSES: You may submit comments, identified by docket number DHS–2017–0040, by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Philip S. Kaplan, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number DHS–2017–0040. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general and privacy questions please contact: Philip S. Kaplan, *privacy@hq.dhs.gov,* (202–343–1717), Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, DHS proposes a Privacy Act exemption for a new DHS system of records titled, ''DHS/ALL–041 External Biometric Records (EBR) System of Records.''

DHS has developed this system of records to receive, maintain, and disseminate biometric and associated biographic information from non-DHS entities (not already covered by a component system of records notices (SORNs)), both foreign and domestic, for the following purposes pursuant to formal or informal information sharing agreements or arrangements (''external information''), or with the express approval of the entity from which the Department received biometric and associated biographic information: Law enforcement; national security; immigration screening; border enforcement; intelligence; national defense; and background investigations relating to national security positions, credentialing, and certain positions of public trust, consistent with applicable DHS authorities.

In 2007, DHS published the Automated Biometric Identification System (IDENT) SORN. Since then, the Department's Privacy Act framework has evolved as the Department has matured and the complexity of the IDENT system increased. DHS Component SORNs now govern the function and use of the biometrics records collected by each component. However, the Department still requires a SORN to cover biometrics received from non-DHS entities. Therefore, DHS is establishing DHS/ALL–041 External Biometric Records (EBR) System of Records, which governs the maintenance and use of biometrics and associated biographic information received from non-DHS entities that are not covered by an existing Component SORNs. In addition, a forthcoming technical SORN will cover the limited information created by the IDENT system. Eventually, both this EBR SORN and the planned technical SORN will replace the IDENT SORN. In the meantime, to avoid any gap in SORN coverage for biometrics and associated biographic information, the EBR and IDENT SORNs will co-exist. After the technical SORN is published, DHS will rescind the IDENT SORN by publishing a *notice of rescindment* in the **Federal Register**.

External information is collected by non-DHS entities, including the Department of Defense (DoD), the Department of Justice (DOJ), State and local law enforcement authorities, or foreign governments. External information shared with DHS includes biometric (including latent fingerprints) and associated biographic information that may be used by DHS for the following purposes: Law enforcement; national security; immigration screening; border enforcement; intelligence; national defense; and background investigations relating to national security positions, credentialing, and certain positions of public trust, consistent with applicable DHS authorities.

DHS also maintains this information to support its information sharing agreements and arrangements with foreign partners to: Prevent travelers from assuming different identities to fraudulently gain admission or immigration benefits; identify individuals who seek to enter the United States for unauthorized purposes; identify those who have committed serious crimes or violated immigration law; and enable informed decisions on visas, admissibility, or other immigration benefits. Such sharing augments the law enforcement and border control efforts of both the United States and its partners. Additionally, DHS is using this information in concert with external partners to facilitate the screening of refugees in an effort to combat terrorist travel consistent with DHS's and Components' authorities.

Consistent with DHS's mission, information covered by DHS/ALL–041 External Biometric Records may be shared with DHS Components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In

addition, DHS may share information with appropriate Federal, State, local, tribal, territorial, foreign, or international government agencies from the providing external entity, consistent with any applicable laws, rules, regulations, and information sharing and access agreements. DHS may share biometric and associated biographic information, as permitted pursuant to an applicable Privacy Act authorized disclosure, including routine uses set forth in this system of records notice.

DHS is issuing this Notice of Proposed Rulemaking to exempt this system of records from certain provisions of the Privacy Act.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate personally identifiable information. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, the Judicial Redress Act (JRA) provides a statutory right to covered persons to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act.

The Privacy Act allows government agencies to exempt certain records from the access and amendment provisions. If an agency claims an exemption, however, it must issue a Notice of Proposed Rulemaking to make clear to the public the reasons why a particular exemption is claimed.

DHS is claiming exemptions from certain requirements of the Privacy Act for DHS/ALL–041 External Biometric Records (EBR) System of Records, under 5 U.S.C. 552a(j)(2), (k)(2), and (k)(5). Information in DHS/ALL–041 External Biometric Records (EBR) System of Records relates to official DHS law enforcement, national security, immigration screening, border enforcement, intelligence, national defense, and background investigations relating to national security positions, credentialing, and certain positions of public trust, consistent with applicable DHS authorities. These exemptions are needed to protect information relating to DHS activities from disclosure to subjects or others related to these activities. Specifically, the exemptions are required to preclude subjects of these activities from frustrating these processes; to protect the identities and physical safety of confidential informants and law enforcement personnel; to ensure DHS's ability to obtain information from third parties and other sources; to protect the privacy of third parties; and to safeguard classified information. Disclosure of information to the subject of the inquiry could also permit the subject to avoid detection or apprehension.

In appropriate circumstances, when compliance would not appear to interfere with or adversely affect the law enforcement purposes of this system and the overall law enforcement process, the applicable exemptions may be waived on a case by case basis.

A notice of system of records for DHS/ALL–041 External Biometric Records (EBR) System of Records is also published in this issue of the **Federal Register**.

List of Subjects in 6 CFR Part 5

Freedom of information; Privacy.

For the reasons stated in the preamble, DHS proposes to amend chapter I of title 6, Code of Federal Regulations, as follows:

PART 5—DISCLOSURE OF RECORDS AND INFORMATION

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

Authority: 6 U.S.C. 101 *et seq.;* Pub. L. 107–296, 116 Stat. 2135; 5 U.S.C. 301. Subpart A also issued under 5 U.S.C. 552. Subpart B also issued under 5 U.S.C. 552a.

■ 2. Amend Appendix to Part 5 by adding paragraph 78 to read as follows:

Appendix C to Part 5—DHS Systems of Records Exempt From the Privacy Act

* * * * *

78. The DHS/ALL–041 External Biometric Records (EBR) System of Records consists of electronic and paper records and will be used by DHS and its components. The DHS/ALL–041 External Biometric Records (EBR) System of Records is a repository of information held by DHS in connection with its several and varied missions and functions, including the enforcement of civil and criminal laws; investigations, inquiries, and proceedings there under; and national security and intelligence activities. The DHS/ALL–041 External Biometric Records (EBR) System of Records contains information that is collected by, on behalf of, in support of, or in cooperation with DHS and its components and may contain personally identifiable information collected by other Federal, State, local, tribal, foreign, or international government agencies.

The Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(j)(2), has exempted this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (c)(4); (d); (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), and (e)(8); (f); and (g)(1) through (5). Additionally, the Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), has exempted this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d); and (e)(1), (e)(4)(G), (e)(4)(H); and (f). When a record received from another system has been exempted in that source system under 5 U.S.C. 552a(j)(2), DHS will claim the same exemptions for those records that are claimed for the original primary systems of records from which they originated and claims any additional exemptions set forth here.

Exemptions from these particular subsections are justified, on a case-by-case basis to be determined at the time a request is made, for the following reasons:

(a) From subsection (c)(3) and (4) (Accounting for Disclosures) because release of the accounting of disclosures could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS as well as the recipient agency. Disclosure of the accounting would therefore present a serious impediment to law enforcement efforts and/or efforts to preserve national security. Disclosure of the accounting would also permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension, which would undermine the entire investigative process.

(b) From subsection (d) (Access and Amendment to Records) because access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS or another agency. Access to the records could permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension. Amendment of the records could interfere with ongoing investigations and law enforcement activities and would impose an unreasonable administrative burden by requiring investigations to be continually reinvestigated. In addition, permitting access and amendment to such information could disclose security-sensitive information that could be detrimental to homeland security.

(c) From subsection (e)(1) (Relevancy and Necessity of Information) because in the course of investigations into potential violations of federal law, the accuracy of information obtained or introduced occasionally may be unclear, or the information may not be strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate to retain all information that may aid in establishing patterns of unlawful activity.

(d) From subsection (e)(2) (Collection of Information from Individuals) because requiring that information be collected from the subject of an investigation would alert the subject to the nature or existence of the investigation, thereby interfering with that investigation and related law enforcement activities.

(e) From subsection (e)(3) (Notice to Subjects) because providing such detailed information could impede law enforcement by compromising the existence of a confidential investigation or reveal the identity of witnesses or confidential informants.

(f) From subsections (e)(4)(G) and (e)(4)(H), (Agency Requirements) and (f) (Agency Rules), because portions of this system are exempt from the individual access provisions of subsection (d) for the reasons noted above, and therefore DHS is not required to establish requirements, rules, or procedures with respect to such access. Providing notice to individuals with respect to existence of records pertaining to them in the system of records or otherwise setting up procedures pursuant to which individuals may access and view records pertaining to themselves in the system would undermine investigative efforts and reveal the identities of witnesses, and potential witnesses, and confidential informants.

(g) From subsection (e)(5) (Collection of Information) because with the collection of information for law enforcement purposes, it is impossible to determine in advance what information is accurate, relevant, timely, and complete. Compliance with subsection (e)(5) would preclude DHS agents from using their investigative training and exercise of good judgment to both conduct and report on investigations.

(h) From subsection (e)(8) (Notice on Individuals) because compliance would interfere with DHS's ability to obtain, serve, and issue subpoenas, warrants, and other law enforcement mechanisms that may be filed under seal and could result in disclosure of investigative techniques, procedures, and evidence.

(i) From subsections (g)(1) through (5) (Civil Remedies) to the extent that the system is exempt from other specific subsections of the Privacy Act.

Philip S. Kaplan

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2018–08454 Filed 4–23–18; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF ENERGY

10 CFR Part 430

Energy Conservation Program: Energy Conservation Standards for Dishwashers, Notification of Petition for Rulemaking

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notification of petition for rulemaking; request for comment.

SUMMARY: On March 21, 2018, the Department of Energy (DOE) received a petition from the Competitive Enterprise Institute (CEI) to define a new product class under the Energy Policy and Conservation Act (EPCA) for residential dishwashers. The new product class would cover dishwashers with a cycle time of less than one hour from washing through drying. Through this notification, DOE seeks comment on the petition, as well as any data or information that could be used in DOE's determination whether to proceed with the petition.

DATES: Written comments and information are requested on or before June 25, 2018.

ADDRESSES: Interested persons are encouraged to submit comments, identified by ''Dishwasher Petition,'' by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

Hand Delivery/Courier: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, Suite 600, Washington, DC 20024. Telephone: (202) 586–6636. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

Docket: For access to the docket to read background documents, or comments received, go to the *Federal eRulemaking Portal* at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Elizabeth Kohl, U.S. Department of Energy, Office of the General Counsel, 1000 Independence Avenue SW, Washington, DC 20585. Email: *Elizabeth.Kohl@hq.doe.gov*; 202–586–7796.

SUPPLEMENTARY INFORMATION: The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.,* provides among other things, that ''[e]ach agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.'' (5 U.S.C. 553(e)) Pursuant to this provision of the APA, CEI petitioned DOE for the issuance of a new rule, as described in this notification and set forth below, verbatim.[1] In promulgating this petition for public comment, the Department of Energy is seeking views on whether it should grant the petition and undertake a rulemaking to consider the proposal contained in the petition. By seeking comment on whether to grant this petition, the Department of Energy takes no position at this time regarding the merits of the suggested rulemaking.

On March 21, 2018, CEI petitioned DOE to initiate a rulemaking to define a new product class under 42 U.S.C. 6295(q) for residential dishwashers. (The petition is presented at the end of this document.) The new product class would cover dishwashers with a cycle time of less than one hour from washing through drying. CEI did not suggest specific energy and water requirements for this new product class, stating that these details could be determined during the course of the rulemaking. CEI stated that dishwasher cycle times have become dramatically longer under existing DOE energy conservation standards, and that consumer satisfaction/utility has dropped as a result of these longer cycle times. CEI also provided data regarding the increase in dishwasher cycle time, including data that correlated increased cycle time with DOE's adoption of amended efficiency standards for dishwashers.

CEI cites to section 6295(q) of EPCA as the authority for DOE to undertake the requested rulemaking. Section 6295(q) requires that DOE, for a rule prescribing an energy conservation standard for a type (or class) of covered products, specify a level of energy use or efficiency higher or lower than the level that applies (or would apply) to such type (or class) for any group of covered products that have the same function or intended use, if DOE determines that covered products within such group either: (1) Consume a different kind of energy from that consumed by other covered products within such type (or class); or (2) have a capacity or other performance-related feature that other products within such type (or class) do not have, and such feature justifies a higher or lower standard from that which applies (or will apply) to other products within such type (or class). In making a determination under paragraph (q) concerning whether a performance-related feature justifies a higher or lower standard, DOE must consider such factors as the utility to the consumer of

[1] Attachments and data submitted by CEI with its petition for rulemaking are available in the docket at *http://www.regulations.gov.*

the feature, and other appropriate factors. In any rule prescribing a higher or lower level of energy use or efficiency, DOE must explain the basis on which the higher or lower level was established. CEI asserts that given the significant amount of consumer dissatisfaction with increased dishwasher cycle time, cycle time is a ''performance-related feature'' that provides substantial consumer utility, as required by EPCA for the establishment of a product class with a higher or lower energy use or efficiency standard that the standard applicable to other dishwasher product classes.

CEI also cites to 42 U.S.C. 6295(o)(4), which prohibits DOE from prescribing a standard that interested person have established by a preponderance of the evidence would likely result in the unavailability in the United States in any covered product type (or class) of performance characteristics, features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States at the time of DOE's finding. CEI states that despite this prohibition, it appears that dishwasher cycle time have been impaired by the DOE standards and that many machines with shorter cycle times are no longer available.

In its petition, CEI proposes a cycle time of 1 hour as the defining characteristic for the suggested new product class, because 1 hour is substantially below all current products on the market. CEI states that energy efficiency standards for current products would therefore not change with the addition of the new product class, and that no backsliding would occur for the energy standards already in place. Specifically, 42 U.S.C. 6295(o)(1) prohibits DOE from prescribing a standard that increases the maximum allowable energy use, or in the case of showerheads, faucets, water closets or urinals, water use, or decreases the minimum required energy efficiency, of a covered product.

Submission of Comments

DOE invites all interested partied to submit in writing by June 25, 2018 comments and information regarding this petition.

Submitting comments via *http://www.regulations.gov.* The *http://www.regulations.gov* web page will require you to provide your name and contact information prior to submitting comments. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via hand delivery, or mail. Comments and documents submitted via hand delivery or mail also will be posted to *http://www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information in your cover letter each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery, please provide all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked non-confidential with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include (1) a description of the items, (2) whether and why such items are customarily treated as confidential within the industry, (3) whether the information is generally known by or available from other sources, (4) whether the information has previously been made available to others without obligation concerning its confidentiality, (5) an explanation of the competitive injury to the submitting person which would result from public disclosure, (6) when such information might lose its confidential character due to the passage of time, and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of its process for considering rulemaking petitions. DOE actively encourages the participation and interaction of the public during the comment period. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in determining how to proceed with a petition. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this petition should contact Appliance and Equipment Standards Program staff at (202) 586–6636 or via email at *ApplianceStandardsQuestions@ee.doe.gov.*

Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notification of petition for rulemaking.

Issued in Washington, DC, on April 18, 2018.

Daniel R. Simmons,

Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.

BILLING CODE 6450–01–P

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March 21, 2018

Via E-mail: The.Secretary@hq.doe.gov, john.cymdalsky@ee.doe.gov,

danial.cohen@hq.doe.gov

The Honorable Secretary Rick Perry
Office of the Secretary of Energy
U.S. Department of Energy
1000 Independence Ave. SW
Washington, D.C. 20585

RE: Petition for Rulemaking on a New Product Class of Fast Dishwashers

The Competitive Enterprise Institute (CEI), submits this petition for rulemaking under 5 U.S.C. § 553(e). We request that the Department of Energy (DOE) begin a rulemaking process to define a new product class under 42 U.S.C. § 6295(q) for residential dishwashers. The new product class would cover dishwashers with a cycle time of less than one hour from washing through drying. We are not proposing specific energy and water requirements for this new product class, in the belief that these details can be determined during the course of the rulemaking.

Dishwasher cycle times have become dramatically worse under DOE standards, and consumer satisfaction has dropped as a result. The DOE itself has acknowledged that this is caused by its regulations, noting that: "To help compensate for the negative impact on cleaning performance associated with decreasing water use and water temperature, manufacturers will typically increase the cycle time."[1]

[1] DOE, 2016-11-22 Final Rule Technical Support Document, chapter 3 at page 330 (Nov. 22, 2016), https://www.regulations.gov/document?D=EERE-2014-BT-STD-0021-0029.

A survey of 11,000 dishwasher owners by GE Appliances demonstrates that cycle time is one of the four biggest sources of dissatisfaction of consumers.[2] Excerpts from several dozen consumer complaints received by another organization are contained in an attachment to this petition.[3] Some typical comments are:

- "The cycle time is way too long, running for 4 hours and still not cleaning the dishes. I am currently in the process of hand washing a number of dishes that did not clean in last night's 4-hour cycle."
- "They take forever and forever to run the shortest cycle."

Several other analysts have also noticed that dishwasher cycle times have increased due to the DOE regulations, such as the following publications attached to this petition:

- *Why do new dishwashers take so long to complete a normal cycle?*[4]
- *Why newer dishwashers run for an alarmingly long time*.[5]
- *Why it's the Government's Fault Your Dishwasher Cycle Is 2 or 3 Hours Long.*[6]

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[2] Kelley Kline, *GE Appliances Comments on DOE's NOPR for Energy Conservation Standards for Residential Dishwashers; Docket No. EERE-2014-BT-STD-0021; RIN 1904-AD24*, page 4 (March 25, 2015), https://www.regulations.gov/document?D=EERE-2014-BT-STD-0021-0026.

[3] Details of consumer complaints, including names and locations, discussed in this petition are attached in Appendix A. All the consumer complaints contained in this petition were provided directly by the consumers, without prompting, to Consumer Affairs, an online consumer resource center not affiliated with any government agency or other consumer organization, and are available on their website at http://consumeraffairs.com/.

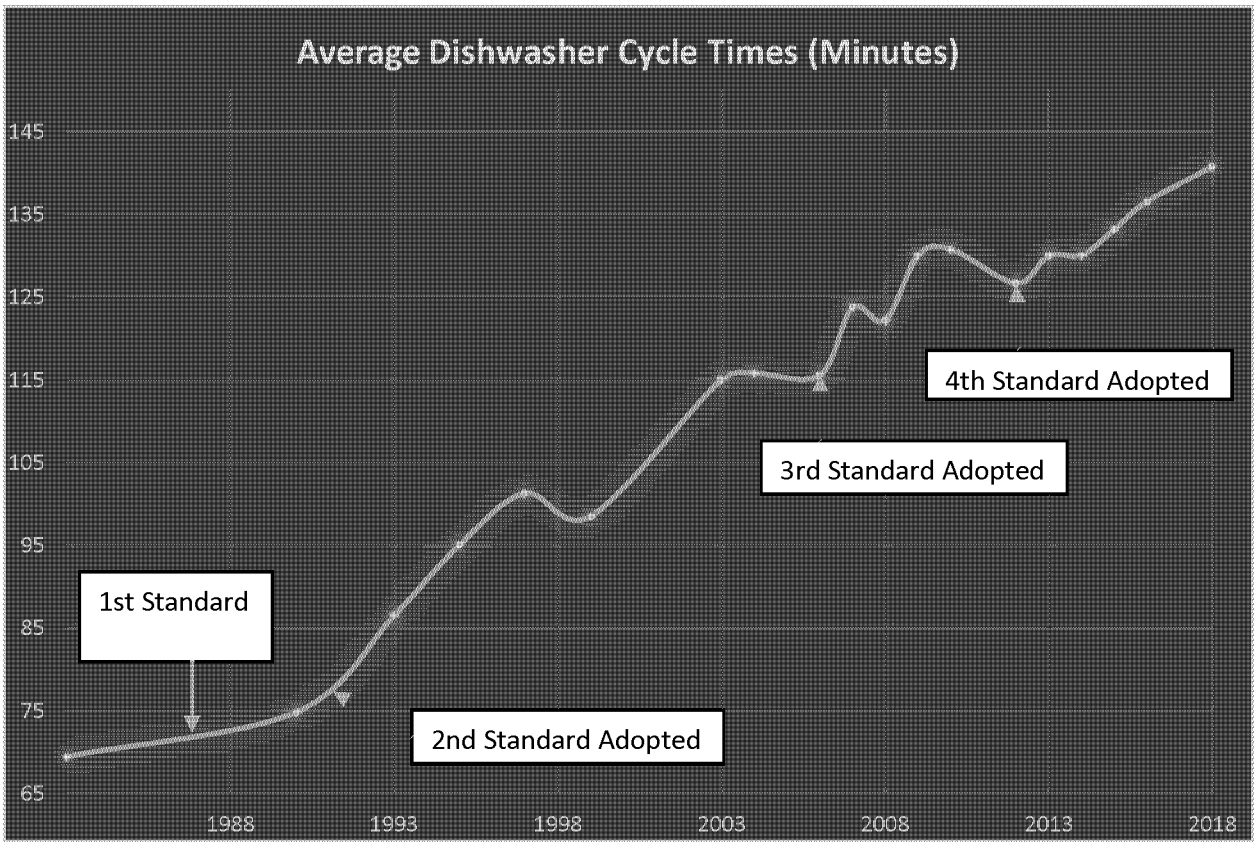
[4] Ed Perratore, *Why do new dishwashers take so long to complete a normal cycle?,* Consumer Reports (April 23, 2014), https://www.consumerreports.org/cro/news/2014/04/why-does-my-new-dishwasher-take-so-long/index.htm.

[5] Philip Jang, *Why newer dishwashers run for an alarmingly long time,* Times Colonist (June 24, 2014).

[6] David Kreutzer, *Why it's the Government's Fault Your Dishwasher Cycle Is 2 or 3 Hours Long*, Daily Signal (July 12, 2015).

While the DOE had estimated the average cycle times of dishwashers to be about one hour in its most recent rulemaking,[7] this figure appears to be decades out of date. As the chart below shows, the average cycle time has not been close to an hour since 1983, before any standards were adopted. The current average cycle time is actually 2 hours 20 minutes, and has more than doubled due to the current energy standards.[8]

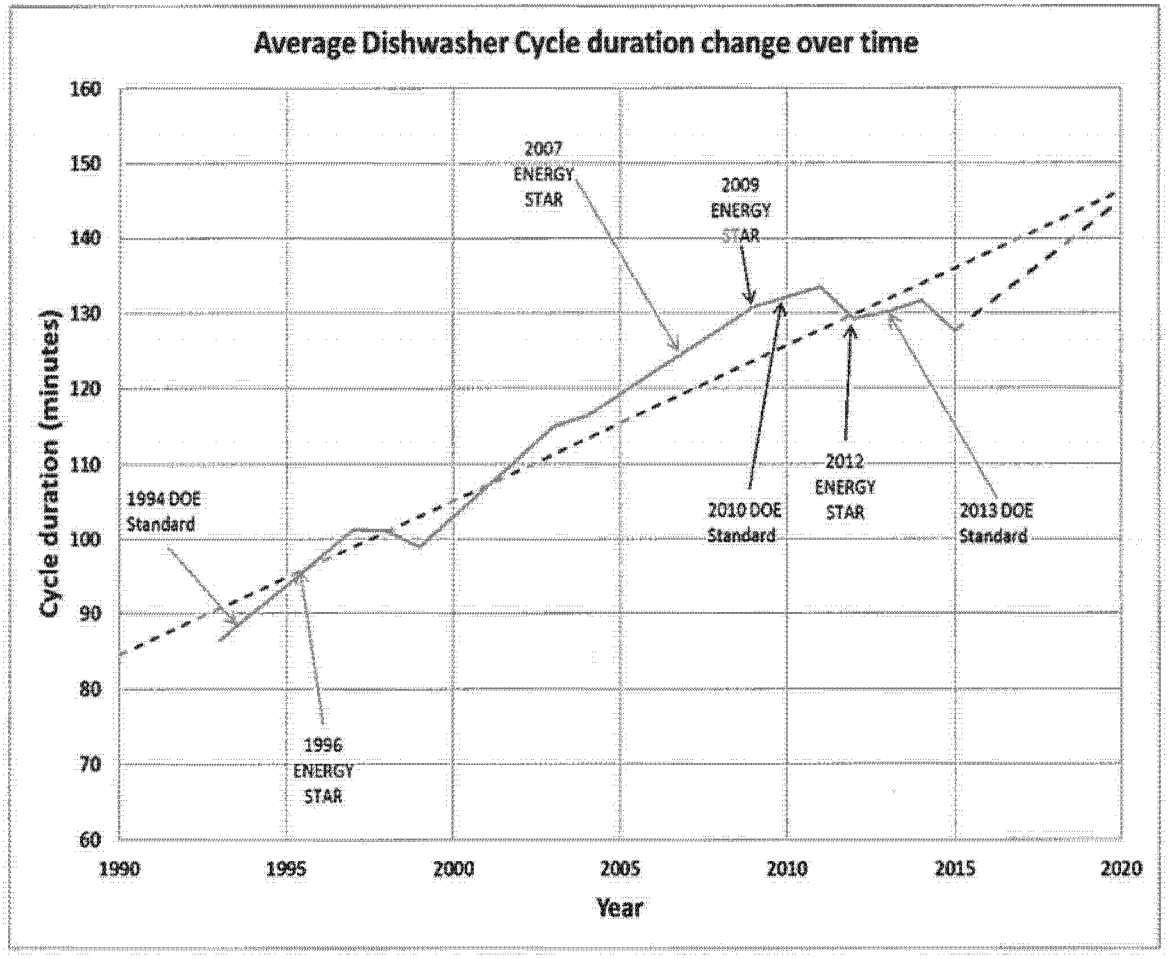
We examined the *Consumer Reports'* evaluation of dishwasher cycles times for 19 of the last 35 years along with the cycle times of the current 177 models on the ConsumerReports.org website. This is how cycle times have changed over the last 35 years:



[7] 81 FR 90087 n.22 ("The 1-hour cycle time is an estimate of the typical cycle time for a dishwasher.").
[8] On a per model basis as reviewed by Consumer Reports.

As this graph shows, when a new energy standard is adopted by the DOE, the result is an increase in dishwasher cycle time. In 1978, *Consumer Reports* found that "A dishwasher's regular cycle time typically takes about an hour."[9] In 2014, ConsumerReports.org warns consumers: "don't expect normal cycles to drop anytime soon from their 2- to 3-hour mark," specifically citing the DOE regulations as the cause.[10]

CEI's assessment is based on publically available sources such as *Consumer Reports,* but industry data provide further evidence of the degradation of cycle times. In the 2015-16 rulemaking, GE Appliances evaluated cycle time changes over time as they relate to various regulatory changes by the DOE. Below is the chart provided by GE Appliances[11]:



[9] Consumer Reports, May Issue, 281 (1976).
[10] Perratore, *supra* note 4.
[11] Kline, *supra* note 2, at 3.

The Association of Home Appliance Manufacturers (AHAM) collected data "from manufacturers making up over 90 percent of the market [which] show that as energy use decreases, cycle time (including dry time) gets longer."[12] AHAM also analyzed shipment-weighted average cycle times, which weight each model by sales. It found the shipment-weighted average cycle time is 1.76 hours.[13] As this is below the average-per-model cycle time, this demonstrates that consumers tend to prefer models with lower cycle times.

In addition to energy efficiency, consumers also want dish washers that clean better, clean quicker, clean quieter, and dry better. Congress understood that imposing energy standards could have a negative impact on these other features and tasked the DOE with making sure these other features stayed available to consumers. That is why 42 U.S.C § 6295(o)(4) requires that all new standards establish "by a preponderance of the evidence" that they will not result in the unavailability of any performance "characteristics (including reliability)" and "features." Despite this, it appears that dishwasher speed cycles has been seriously impaired by the DOE standards and that many machines with shorter cycle times are no longer available to consumers.

In enacting the National Appliance Energy Conservation Act of 1987, Congress sought to ensure "that energy savings are not achieved through the loss of significant consumer features." H.R. Rep. No. 100-11, 22 (1987). The "purpose of this provision is to ensure that an amended standard does not deprive consumers of product choices and characteristics, features, sizes, etc." *Id.* at 23. This should "preclude[] DOE from promulgating a standard that manufacturers are only able to meet by adopting engineering changes that eliminate performance characteristics." *Id.* at 23. Unfortunately for consumers, this has not happened.

We are now in a situation in which dishwashers average cycle times of less than one hour have been eliminated from the marketplace. Of the current 177 models reviewed by *ConsumerReports.org*, the fastest cycle time was the Frigidaire model FBD2400KS at 90 minutes. This is not due to consumer choice, but because it is not technologically feasible to create dishwashers that both meet the current standards and have cycle times of one hour or less. But Congress provided the DOE with discretion to deal with exactly this kind of situation.

Under 42 U.S.C. § 6295(q), Congress "permitted the Secretary to establish different standards within type of covered product . . . based upon performance-related features of the product." National Energy Conservation Act 1978, H.R. Rep. 95-1751, 115 (1978). According to Congress, the "purpose of the provision is to permit the minimum energy efficiency standards to account for the varied performance-related features of appliances within a given type of product." *Id.* Congress directed the Secretary to "use his discretion carefully, and establish separate standards only if the feature justifies a separate standard, based upon the utility to the consumer and other appropriate criteria." *Id.* at 116. Given the degree of consumer dissatisfaction with dishwasher speed, we submit that exercising this discretion is fully warranted in this case.

[12] Jennifer Cleary, *AHAM Comments on DOE's NOPR for Energy Conservation Standards for Residential Dishwashers; Docket No. EERE-2014-BT-STD-0021; RIN 1904-AD24*, page 8 (March 25, 2015), https://www.regulations.gov/document?D=EERE-2014-BT-STD-0021-0021.

[13] *Id.*

This provision specifically allows the Secretary to "specify a level of energy use or efficiency . . . lower than that which applies (or would apply) for such type (or class)." 42 U.S.C § 6295(q)(1). The only relevant requirement is that it "have a capacity or other performance-related feature which other products within such type (or class) do not have and such feature justifies a higher or lower standard from that which applies (or will apply) to other products within such type (or class). In making a determination under this paragraph concerning whether a performance-related feature justifies the establishment of a higher or lower standard, the Secretary shall consider such factors as the utility to the consumer of such a feature, and such other factors as the Secretary deems appropriate." 42 U.S.C § 6295(q)(1)(B).

A cycle time of less than one hour is a "performance-related feature" which justifies a lower standard based if there is "utility to the consumer of such a feature." To demonstrate this utility, consider consumers' views on the subject:

- "The cycles run FOREVER - Plan on letting it run all afternoon before your dishes are ready so you can use them for dinner!!"
- "It doesn't clean well, but has a very long cycle, well over two hours."
- One consumer described a cycle time of one and a half hours as "extremely long," but sadly this is the shortest cycle time on the market.
- Another consumer had a "technician come out to see why it took 6 hours to go through the cycle" and the technician told her she "needed to prewash my dishes before loading". (This, however, is directly contrary to the advice of the DOE, which views prewashing as wasting energy and water.)
- "It spontaneously starts beeping, non-stop, the cycle takes FOREVER. I hate it, I hate it, I hate it."
- When one consumer called a technician to complain of a 4.5 hour cycle time, she was told that the new machines just take longer than the old ones.

Given these consumer complaints, which are just a small sample, and the GE Appliances' survey of 11,000 dishwasher owners, it is clear that cycle time is a "performance-related feature" that provides substantial "utility to the consumer" as required by the statute.

This petition proposes one hour as the defining characteristic for a new dishwasher class, because this is substantially below all current products on the market. This means that the energy efficiency standards for current models will not change with the addition of this new product class. Regardless of the standard set for this proposed new class, no backsliding would occur for the energy standards already in place as this new standard will not apply to current models.

Dishwasher speed is an important factor for huge numbers of consumers. Manufacturers clearly have the ability to satisfy these consumers, and the DOE has the discretion under the law to accommodate them. It should do so.

Sincerely,

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AP63

Approval Criteria for Rates Charged for Community Residential Care

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Department of Veterans Affairs (VA) regulation governing standards applicable to a community residential care facility (CRC) approved by VA. This regulation also addresses the amount that a veteran may be charged for residence in a CRC and how VA determines whether that rate is appropriate. Payment for the charges of CRC care is not the responsibility of the federal government or VA. The cost of community residential care is financed by the veteran's own resources, and the resident or an authorized personal representative and a representative of the community residential care facility must agree upon the charge and payment procedures for community residential care. VA reviews and has approval authority over this agreement. We propose to amend and update the criteria VA uses to determine whether the rate for care charged to a veteran residing in an approved CRC is appropriate, to clarify how VA determines whether a CRC rate should be approved, and to make the regulation consistent with current VA practice. In addition, we propose to define in regulation the level of care that must be provided to a veteran residing in a CRC.

DATES: *Comment Date:* Comments must be received by VA on or before June 25, 2018.

ADDRESSES: Written comments may be submitted through *www.Regulations.gov*; by mail or hand-delivery to the Director, Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Ave. NW, Room 1063B, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to ''RIN 2900–AP63—Approval criteria for rates charged for Community Residential Care.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Allman, Chief Consultant, Geriatrics and Extended Care Services (10NC4), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Ave. NW, Washington, DC 20420, (202) 461–6750. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: VA is authorized under 38 U.S.C. 1730 to assist veterans by referring them for placement, and aiding veterans in obtaining placement, in CRCs. A CRC is a form of enriched housing that provides health care supervision to eligible veterans not in need of hospital or nursing home care, but who, because of medical, psychiatric and/or psychosocial limitations as determined through a statement of needed care, are not able to live independently and have no suitable family or significant others to provide the needed supervision and supportive care. Examples of CRC's enriched housing may include, but are not limited to: Medical Foster Homes, Assisted Living Homes, Group Living Homes, Family Care Homes, and psychiatric CRC Homes. CRC care consists of room, board, assistance with activities of daily living and supervision as required on an individual basis. The size of a CRC can vary from one bed to several hundred. VA maintains a list of approved CRCs. Employees of the CRC are not VA employees, and no employment relationship exists between employees of the CRC and VA.

A veteran may elect to reside in any CRC he or she wants; however, VA will only recommend CRCs that apply for approval and meet our standards. Once approved by the approving official, the CRC is placed on VA's referral list and VA refers veterans for whom CRC care is an option to listed CRCs when those veterans are determining where they would like to live. The term ''approving official'' is defined at 38 CFR 17.62(e) as the Director or, if designated by the Director, the Associate Director or Chief of Staff of a Department of Veterans Affairs Medical Center or Outpatient Clinic which has jurisdiction to approve

a community residential care facility. Jurisdiction is based on whether the CRC is located within the geographical area covered by the Veterans Affairs Medical Center or Outpatient Clinic.

VA may directly provide care to a veteran at the CRC when it is medically appropriate to provide such home-based care. The provision of such home-based care is not contingent upon VA approval of a CRC; a veteran's right to such care exists independent of the veteran's residence in a CRC.

To become approved, a CRC must meet the specified criteria in 38 CFR 17.63, which sets forth standards relating to the physical integrity of the facility, the health care provided at the CRC, the standard of living therein, costs charged directly to veteran residents of the CRC, and other criteria for approval. Paragraph (k) of this section addresses the amount that a veteran may be charged for residence in a CRC and how VA determines whether that rate is appropriate. VA proposes to amend and update § 17.63(k) to make it consistent with changes in the practices of approved CRCs since this provision became effective on June 14, 1989, and to clarify the criteria VA uses to determine whether the rate charged by the CRC is reasonable. Currently § 17.63 does not establish the level of care, and components of that care, that the CRC must provide to the veteran in exchange for the monies paid to the CRC. We address this as an initial matter.

It has been longstanding VA practice to require that in order to be an approved CRC the operators must provide, at a minimum, a base level of care in consideration of funds received from the veteran resident. The rate charged by an individual CRC for this base level of care is reflected in an executed agreement between the CRC and resident, and that agreement is reviewed and approved by the VA approving official. If the CRC agrees, at the resident's request, to provide additional care or services, the CRC may charge the resident additional fees, which are reflected in the signed agreement.

We would amend paragraph (b), which is currently reserved, to address the required base level of care as well as additional services and care provided to veteran residents. Consistent with current VA practice, paragraph (b) would state that the CRC must provide the resident, at a minimum, a base level of care to include room and board; nutrition consisting of three meals per day and two snacks, or as required to meet special dietary needs; laundry services; transportation (either provided or arranged) to VA and healthcare appointments; and accompanying the resident to appointments if needed; 24-hour supervision, if indicated; and care, supervision, and assistance with activities of daily living (ADL) and instrumental activities of daily living (IADL).

ADL is a term commonly understood in the healthcare industry to refer to basic daily self-care activities. Health professionals routinely refer to the ability or inability to perform an ADL as a measurement of the functional status of a person, particularly in regards to people with disabilities and the elderly. Likewise, IADL is commonly understood in the healthcare industry to refer to activities that are not necessary for fundamental functioning, but allow an individual to live independently in a community.

The terms ''activities of daily living'' and ''instrumental activities of daily living'' are not currently defined for the purpose of §§ 17.61 through 17.72. Instead, the non-standard term ''daily living activities'' is defined at § 17.62(b) to include various activities that are classified by VA as being either an ADL or IADL. The various tasks listed in the current definition of daily living activities is not a comprehensive list of all activities that could be considered either an ADL or IADL, but is intended by VA to represent the range of activities that can be encompassed under those terms. We would remove the definition of ''daily living activities'' and substitute the terms ''activities of daily living'' and ''instrumental activities of daily living'' where it is used in current §§ 17.61(b) and 17.62. We would define ''activities of daily living'' as basic daily tasks an individual performs as part of self-care which may be used as a measurement of the functional status of a person including: Walking; bathing, shaving, brushing teeth, combing hair; dressing; eating; getting in or getting out of bed; and toileting. ''Instrumental activities of daily living'' would be defined as tasks that are not necessary for fundamental functioning, but allow an individual to live independently in a community. Instrumental activities of daily living include: Housekeeping and cleaning room; meal preparation; taking medications; laundry; assistance with transportation; shopping- for groceries, clothing or other items; ability to use the telephone; ability to manage finances; writing letters; and obtaining appointments. The list of tasks in the definitions of ADL and IADL are not substantively different than that found in current § 17.62(b).

In addition, we would revise § 17.62 by removing the paragraph designations for the definitions in that section, arrange the defined terms in alphabetical order, and make non substantive changes to the definitions to make the introductory wording for each definition consistent with that of other defined terms in part 17.

Current 17.63(k) states that payment for the charges of CRC care is not the responsibility of the federal government or VA; the resident or an authorized personal representative and a representative of the CRC must agree upon the charge and payment procedures for CRC care; and the charges for community residential care must be reasonable. Current § 17.63(k)(3)(i) and (ii) establish different reference rates for residents who were in a CRC as of June 14, 1989 and CRCs that were approved after July 31, 1987. For residents in a CRC as of June 14, 1989, the CRC rates are pegged to the facility's basic rate for care as of July 31, 1987. For a CRC approved after July 31, 1987, CRC rates are calculated based on the average rate for approved facilities in that State as of March 31, 1987.

VA's CRC program was established in 1951, but VA did not begin the process of publishing regulations governing the CRC program until August 1987. The final rule published May 15, 1989, with an effective date of June 14, 1989. (54 FR 20842, May 15, 1989.) The intent of § 17.63(k)(3)(i) was to grandfather-in the rate charged for all residents in a CRC prior to the date the regulation became effective. There are no residents currently in a CRC who were in the CRC as of June 14, 1989. Both § 17.63(k)(3)(i) and § 17.63(k)(ii) use dates that are long in the past, and have little or no reasonable connection to the calculation of reasonable rates at the present time. We would address these issues by amending and reorganizing § 17.63(k) to update and clarify how VA determines whether a CRC rate should be approved, and to make the regulation consistent with current VA practice.

Proposed paragraph 17.63(k)(1) would remain the same as current (k)(1). The cost of community residential care is not the responsibility of the U.S. government. Proposed paragraph (k)(2) would state that the cost of community residential care should reflect the cost of providing the base level of care as defined in paragraph (b).

Proposed paragraph 17.63(k)(3) would retain the requirement, currently found in paragraph 17.63(k)(2), that the resident or an authorized personal representative and a representative of the community residential care facility must agree upon the charge and payment procedures for community

residential care. We would add in proposed (k)(4), discussed below, standards for use by a VA approving official in reviewing and approving this agreement.

It has been VA's longstanding practice to use a multi-step approach in evaluating whether a proposed CRC rate will be approved, and we would amend § 17.63(k) to reflect VA's current practice. Under the proposed rule, VA would first review the resident's medical record to determine the level of care needed by the veteran residing in the CRC. VA would then refer to the current average rate for residential care in the State or Region for the same level of care provided to the resident. Each state has an agency responsible for residential care services provided under Medicare and Medicaid. These agencies publish approved rates in the state or region within the state for different levels of care within the continuum of residential care. These rates are updated annually. There is some variation in how the states refer to the various levels of care. Examples include Family Care Homes, Adult Care Homes, Medical Foster Homes, Residential Traumatic Brain Injury (TBI) Homes, Residential Care Homes, Personal Care Homes, Psychiatric Group Homes, Board and Care Homes, Boarding Homes, Group Homes, Rest Homes, Senior Homes, Assisted Living Homes, Retirement Centers, and Hospice Care Homes. VA would identify the relevant rate for residential care published by the state and compare this to the charge for care agreed on by the veteran or authorized personal representative and the CRC. The purpose of this inquiry is to ensure that the veteran residing in a VA-approved CRC is treated fairly and equitably by the CRC in terms of the dollar amount charged for CRC care relative to what a CRC would receive for care rendered to a non-veteran in the same state or region receiving the same level of care. We recognize that care plans are individualized, and there may be some variation in the type or scope of care provided to different individuals receiving the same overall level of CRC care. Therefore, VA's inquiry would focus on whether the two rates are comparable, not equal. VA believes this language will provide flexibility to allow the approving official to consider each agreement on a case by case basis, taking into account both the base level of care the resident requires as well as the resident's individual needs.

VA recognizes that veterans residing in a CRC are, more often than not, living on a fixed or limited income. Healthcare sector costs, including that for community residential care, may rise at a greater annual rate than the overall inflation rate. Simply approving a new rate for CRC care because that rate is comparable to the published statewide rate could result in a strain on the veteran's financial status. To address this, VA would also compare the proposed CRC rate to the rate currently being charged to the veteran. We would retain the requirement that any year to year increase in the charge for care in a CRC for the same level of care may not exceed the annual percentage increase in the National Consumer Price Index (CPI) for that year. This is consistent with current § 17.63(k)(3).

If VA determines, after considering all the above criteria, that the proposed CRC rate is reasonable, the approving official would approve the agreement between the veteran or authorized personal representative and the CRC.

VA also recognizes that there may be instances in which the CRC and the veteran or authorized personal representative agree to a rate that is lower than the current average rate for residential care in the State or Region for the same level of care. This type of arrangement could be beneficial to a veteran that is on a fixed or low income. The proposed rule would allow the approving official to approve a lower rate of charges for care, provided such lower rate does not result in a lower level of care than the resident requires. While VA generally supports any agreement that may financially benefit the veteran, we also have an obligation to ensure that that the veteran receives a level of care commensurate with his or her condition.

Care plans are individualized in a CRC, and VA acknowledges that a veteran's care plan may not precisely match specific levels of care reflected in average rates for residential care published by the State. For instance, a state may publish average rates for care for residential care that differentiate between a low level of care and the next highest level. The veteran may require the lower level of care as well as only certain elements of the next highest level of care. In that case, the appropriate rate of charges for care should reflect that reality. Under paragraph 17.63(k)(4)(ii) of the proposed rule, the approving official would have the authority to approve a rate higher than the current average rate for residential care in the State or Region for the same level of care if the CRC and the resident or authorized personal representative agreed to such rate, and the higher rate is related to the individual needs of the resident which exceed the base level of care as defined in proposed paragraph (b). Examples of services which exceed the base level of care include, but are not limited to, handling disbursement of funds solely at the request of the resident; fulfilling special dietary requests by the resident or family member; accompanying the resident to an activity center; assisting in or providing scheduled socialization activities; supervision of an unsafe smoker; bowel and bladder care; intervention related to behavioral issues; and transportation other than for VA and healthcare appointments. A higher rate could be paid in those cases in which additional services are necessary, or the veteran has special needs that must be addressed. This would ensure that the veteran receives the individualized level of care required, and that the CRC is compensated for the level of care provided.

Since the veteran's needs may change over time and the cost of care fluctuates, VA proposes in paragraph 17.63(k)(3) that the charge for care in a CRC must be reviewed annually by the facility and VA, or as required due to changes in care needs. We believe that this requirement, combined with the obligation to consider the required level of care and comparative cost of that care, adequately addresses concerns reflected in current § 17.63(k)(3)(iii). That subparagraph states, in part, that the approving official may approve a deviation from the requirements of current § 17.63(k)(3)(i) and (ii) upon request from a CRC representative, a resident in the facility, or an applicant for residency, if the approving official determines that the cost of care for the resident will be greater than the average cost of care for other residents. Under the proposed rule, the deciding factor is not whether the cost of care for the individual veteran is greater than the average cost of care for other residents in the facility. Rather, the primary focus is on the level of care the veteran requires, and how the proposed cost for that care compares to that of non-veteran community residential care residents in the same State or Region receiving the same level of care. Any change in the level of care may be brought to the attention of the approving official by VA, the CRC, the veteran, or authorized personal representative. Regardless of which party raises the issue, there must be a pre-existing agreement between the veteran or personal representative and the CRC regarding cost of care, and the approving official has review and approval authority over that agreement.

We also address the remaining exception in current § 17.63(k)(3)(iii). There may be instances where a veteran

residing in a CRC elects to, notwithstanding the veteran's need, request a level of care from the CRC that exceeds VA standards. This is addressed in current § 17.63(k)(3)(iii), which provides, in part, that the approving official may approve a deviation from the requirements of current § 17.63(k)(3)(i) and (ii) if the resident chooses to pay more for the care provided at a facility which exceeds VA standards. We would renumber this portion of current 17.63(k)(3)(iii) as paragraph (5) and amend the internal citation and clarify that this exception addresses situations where the veteran is electing to receive and pay for a level of care greater than what that veteran requires.

Finally, we would make a technical edit to §§ 17.61 through 17.74. We would remove the statutory authority citation at the end of each of these sections, and amend the introductory ''Authority'' section of part 17 to state that §§ 17.61 through 17.74 are authorized under 38 U.S.C. 501 as well as 38 U.S.C. 1730. We would make this change consistent with guidance from the Office of Federal Register.

Effect of Rulemaking

The Code of Federal Regulations, as proposed to be revised by this proposed rulemaking, would represent the exclusive legal authority on this subject. No contrary rules or procedures would be authorized. All VA guidance would be read to conform with this proposed rulemaking if possible or, if not possible, such guidance would be superseded by this rulemaking.

Paperwork Reduction Act

This proposed rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). Under 38 CFR 17.63(i), a CRC must maintain records on each resident, to include a copy of all signed agreements with the resident. This would include any agreement between the CRC and the resident regarding the rate charged for residence in the facility, which is the subject of this proposed rule. This information collection is already approved under OMB control number 2900–0491.

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This proposed rule would directly affect only individuals and those small entities that seek inclusion on VA's approved list of CRCs. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking would be exempt from the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604.

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action,'' requiring review by the Office of Management and Budget (OMB), unless OMB waives such review, as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this proposed rule have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm,* by following the link for ''VA Regulations Published.'' This proposed rule is not expected to be an E.O. 13771 regulatory action because this proposed rule is not significant under E.O. 12866.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This proposed rule would have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program numbers and titles affected by this document are 64.011—Veterans Dental Care; 64.012—Veterans Prescription Service; 64.013—Veterans Prosthetic Appliances; 64.029—Purchase Care Program; 64.035—Veterans Transportation Program; 64.041—VHA Outpatient Specialty Care; 64.044—VHA Home Care; 64.045—VHA Outpatient Ancillary Services; 64.047—VHA Primary Care; 64.048—VHA Mental Health clinics; 64.050—VHA Diagnostic Care.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and Dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Reporting and recordkeeping requirements, Travel and transportation expenses, Veterans.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jacquelyn Hayes-Byrd, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on April 16, 2018, for publication.

Dated: April 18, 2018.

Consuela Benjamin,

Regulations Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons stated in the preamble, Department of Veterans Affairs proposes to amend 38 CFR part 17 as follows:

PART 17—MEDICAL

■ 1. The authority citation for part 17 is revised to read as follows:

Authority: 8 U.S.C. 501, and as noted in specific sections.

Section 17.38 is also issued under 38 U.S.C. 101, 1701, 1705, 1710, 1710A, 1721, 1722, 1782, and 1786.

Sections 17.61 through 17.74 are also issued under 38 U.S.C. 1730.

Section 17.169 is also issued under 38 U.S.C. 1712C.

Sections 17.380, 17.390 and 17.412 are also issued under sec. 260, Pub. L. 114–223, 130 Stat. 857.

Section 17.410 is also issued under 38 U.S.C. 1787.

Section 17.415 is also issued under 38 U.S.C. 7301, 7304, 7402, and 7403.

Sections 17.640 and 17.647 are also issued under sec. 4, Pub. L. 114–2, 129 Stat. 30.

Sections 17.641 through 17.646 are also issued under 38 U.S.C. 501(a) and sec. 4, Pub. L. 114–2, 129 Stat. 30.

Section 17.655 is also issued under 38 U.S.C. 501(a) 7304 and 7405.

■ 2. Amend § 17.61 by:

■ a. Removing in paragraph (b) the words ''daily living activities'' and adding in its place the words ''activities of daily living and instrumental activities of daily living'' and

■ b. Removing the statutory authority citation at the end of the section.

■ 3. Revise § 17.62 to read as follows:

§ 17.62 Definitions.

For the purpose of §§ 17.61 through 17.72:

Activities of daily living means basic daily tasks an individual performs as part of self-care which may be used as a measurement of the functional status of a person including: Walking; bathing, shaving, brushing teeth, combing hair; dressing; eating; getting in or getting out of bed; and toileting.

Approving official means the Director or, if designated by the Director, the Associate Director or Chief of Staff of a Department of Veterans Affairs Medical Center or Outpatient Clinic which has jurisdiction to approve a community residential care facility.

Community residential care means the monitoring, supervision, and assistance, in accordance with a statement of needed care, of the activities of daily living activities and instrumental activities of daily living, of referred veterans in an approved home in the community by the facility's provider.

Hearing official means the Director or, if designated by the Director, the Associate Director or Chief of Staff of a Department of Veterans Affairs Medical Center or Outpatient Clinic which has jurisdiction to approve a community residential care facility.

Instrumental activities of daily living are tasks that are not necessary for fundamental functioning, but allow an individual to live independently in a community. Instrumental activities of daily living include: Housekeeping and cleaning room; meal preparation; taking medications; laundry; assistance with transportation; shopping—for groceries, clothing or other items; ability to use the telephone; ability to manage finances; writing letters; and obtaining appointments.

Oral hearing means the in person testimony of representatives of a community residential care facility and of VA before the hearing official and the review of the written evidence of record by that official.

Paper hearing means a review of the written evidence of record by the hearing official.

■ 4. Amend § 17.63 by:

■ a. Revising paragraph (b) and paragraph (k) and

■ b. Removing the statutory authority citation at the end of the section.

The revisions read as follows:

§ 17.63 Approval of community residential care facilities.

* * * * *

(b) *Level of care.* The community residential care facility must provide the resident, at a minimum, a base level of care to include room and board; nutrition consisting of three meals per day and two snacks, or as required to meet special dietary needs; laundry services; transportation (either provided or arranged) to VA and healthcare appointments; and accompanying the resident to appointments if needed; 24-hour supervision, if indicated; and care, supervision, and assistance with activities of daily living and instrumental activities of daily living. In those cases where the resident requires more than a base level of care, the medically appropriate level of care must be provided.

* * * * *

(k) *Cost of community residential care.* (1) Payment for the charges of community residential care is not the responsibility of the United States Government or VA.

(2) The cost of community residential care should reflect the cost of providing the base level of care as defined in paragraph (b) of this section.

(3) The resident or an authorized personal representative and a representative of the community residential care facility must agree upon the charge and payment procedures for community residential care. Any agreement between the resident or an authorized personal representative and the community residential care facility must be approved by the approving official. The charge for care in a community residential care facility must be reviewed annually by the facility and VA, or as required due to changes in care needs.

(4) The charges for community residential care must be reasonable and comparable to the current average rate for residential care in the State or Region for the same level of care provided to the resident. Notwithstanding, any year to year increase in the charge for care in a community residential care facility for the same level of care may not exceed the annual percentage increase in the National Consumer Price Index (CPI) for that year. In establishing an individual residential rate, consideration should be given to the level of care required and the individual needs of the resident. The approving official may approve a rate:

(i) Lower than the current average rate for residential care in the State or Region for the same level of care if the community residential care facility and the resident or authorized personal representative agreed to such rate, provided such lower rate does not result in a lower level of care than the resident requires;

(ii) higher than the current average rate for residential care in the State or Region for the same level of care if the community residential care facility and the resident or authorized personal representative agreed to such rate, and the higher rate is related to the individual needs of the resident which exceed the base level of care as defined in paragraph (b) of this section. Examples of services which exceed the base level of care include, but are not limited to, handling disbursement of funds solely at the request of the resident; fulfilling special dietary requests by the resident or family member; accompanying the resident to an activity center; assisting in or providing scheduled socialization activities; supervision of an unsafe smoker; bowel and bladder care; intervention related to behavioral issues; and transportation other than for VA and healthcare appointments.

(5) The approving official may approve a deviation from the requirements of paragraph (k)(4) of this section if the resident chooses to pay more for care at a facility which exceeds the base level of care as defined in paragraph (b) of this section notwithstanding the resident's needs.

* * * * *

■ 5. Amend §§ 17.64 through 17.74 by removing the statutory authority citation at the end of each section.

[FR Doc. 2018–08386 Filed 4–23–18; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 700, 720, 723, 725, 790, and 791

[EPA–HQ–OPPT–2016–0401; FRL–9976–74]

RIN 2070–AK27

User Fees for the Administration of the Toxic Substances Control Act (TSCA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; availability of supplemental information and extension of comment period.

SUMMARY: EPA is extending the comment period for 30 days and is providing notice that EPA has added a supplemental analysis, titled ''Supplemental Analysis of Alternative Small Business Size Standard Definitions and their Effect on TSCA User Fee Collection'', to the rulemaking docket for the proposed rule that published in the **Federal Register** on February 26, 2018. The supplemental analysis provides additional estimates for the impact of setting the small business definition based on an employee-based threshold.

DATES: Comments must be received on or before May 24, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2016–0401, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Mark Hartman, Immediate Office, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–3810; email address: *hartman.mark@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action is directed to the public in general. This action may be of particular interest to anyone who manufactures (including imports), distributes in commerce, or processes a chemical substance (or any combination of such activities) or submits or is required to submit information to the EPA under TSCA sections 4 or 5 or anyone who manufactures a chemical substance that is the subject of a risk evaluation under TSCA section 6(b). The following list of North American Industry Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include, but are not limited to, companies found in major NAICS groups:

- Chemical Manufacturers (NAICS code 325),
- Petroleum and Coal Products (NAICS code 324), and
- Chemical, Petroleum and Merchant Wholesalers (NAICS code 424).

B. What should I consider as I prepare my comments for the EPA?

1. *Submitting CBI.* Do not submit this information to the EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket.

2. *Tips for preparing your comments.* When preparing, and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the Agency taking?

In the **Federal Register** of February 26, 2018 (83 FR 8212) (FRL–9974–31), EPA proposed to establish and collect fees from certain manufacturers (including importers) and processors to defray some of the Agency costs related to activities under TSCA sections 4, 5, 6 and 14. EPA also proposed to revise the size standard used to identify businesses that can qualify as a ''small business concern'' under TSCA for the purposes of fee collection. A regulatory definition for a small business for a submission under TSCA section 5 was promulgated in 1988 and is based on the annual sales value of the business's parent company. 40 CFR 700.43 currently states: ''Small business concern means any person whose total annual sales in the person's fiscal year preceding the date of the submission of the applicable section 5 notice, when combined with those of the parent company (if any), are less than $40 million.'' EPA proposed several changes to this definition. Consistent with the definition of small manufacturer or importer at 40 CFR 704.3,

EPA proposed to increase the current revenue threshold of $40 million using the Producer Price Index (PPI) for Chemicals and Allied Products, as compiled by the U.S. Bureau of Labor Statistics (Data series WPU06 at *http://data.bls.gov/cgi-bin/srgatet.*). Using a base year of 1988 and inflating to 2015 dollars resulted in a value of approximately $91 million.

EPA also proposed to change the time frame over which annual sales values are used when accounting for a business's revenue. Instead of using just one year preceding the date of submission, the Agency is proposing to average annual sales values over the three years preceding the submission. EPA proposed to apply this updated definition—adjusted for inflation and averaging sales revenue over three years—to not only TSCA section 5 submissions, but also to TSCA sections 4 and 6 submissions as well.

Pursuant to Executive Order 12866, EPA submitted to the Office of Management and Budget (OMB) an economic analysis of the potential costs and benefits associated with the proposed rulemaking. The Agency has since completed supplemental analysis that estimates the impact of setting the

small business definition based on an employee-based threshold. Specifically, EPA estimated the impact when the small business definition is set using the following: (a) A fixed employee-based threshold that defines small businesses as those firms with 500 or fewer employees, and (b) the thresholds set by the Small Business Administration, which vary by industry sector. A copy of the analysis, titled ''*Supplemental Analysis of Alternative Small Business Size Standard Definitions and their Effect on TSCA User Fee Collection*'', is now available in the docket for this action (EPA–HQ–OPPT–2016–0401).

EPA requests comment on this analysis and whether an employee-based size standard would be more appropriate than a receipts-based size standard and what that employee level should be; whether the size standard, be it receipts-based or employee-based, should vary from industry to industry to reflect differences among the impacted industries; and what other factors and data sources the Agency should consider, besides inflation, when developing the size standard to qualify for reduced fee amounts. The supplemental analysis estimates the impact on fee amounts should an employee-based size standard be used to determine eligibility for reduced fees. In order to ensure that EPA meets the statutory requirement that fees are sufficient to defray 25% of the estimated Agency costs, EPA would need to recoup the revenue loss resulting from moving to one of the two employee-based small business definitions presented in the analysis by increasing the TSCA section 5 proposed general industry fees. The revenue losses would likely arise from TSCA section 5 submissions, given that EPA estimates more businesses would qualify for the lower fee levels under the employee-based definitions. Impacts to TSCA section 4 and 6 fee collections are unlikely as EPA expects that consortia will ensure that the full fee amount is remitted regardless of the proportion of small businesses participating in the consortia. In the supplemental analysis EPA estimated the impact on fees if the revenue loss is recouped by allocating it proportionally among the proposed TSCA section 5 general fees. In this case, in order to recoup the entire amount, the general fee for PMN/MCAN/SNUN would increase by $413, from $16,000 to a new fee of $16,413, and the general fee for Exemptions would increase by $122, from $4,700 to a new fee of $4,822. If rounding to the nearest $100, this results in new fees of $16,400 and $4,800, respectively, with 93% ($196,000) of the $211,000 fee revenue deficit recovered. EPA requests comments on this approach of ensuring that EPA continues to collect 25% of applicable Agency costs.

Comments on this supplemental analysis document should be submitted to the docket for the proposed rule. In addition, in order to give interested parties the opportunity to consider this additional analysis and prepare meaningful comments, EPA is hereby extending the comment period, which is set to end on April 27, 2018, until May 24, 2018.

List of Subjects

40 CFR Part 700

Chemicals, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements, User fees.

40 CFR Part 720

Chemicals, Environmental protection, Hazardous substances, Imports, Reporting and recordkeeping requirements.

40 CFR Part 723

Chemicals, Environmental protection, Hazardous substances, Phosphate, Reporting and recordkeeping requirements.

40 CFR Part 725

Administrative practice and procedure, Chemicals, Environmental protection, Hazardous substances, Imports, Labeling, Occupational safety and health, Reporting and recordkeeping requirements.

40 CFR Part 790

Administrative practice and procedure, Chemicals, Confidential business information, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements.

40 CFR Part 791

Administrative practice and procedure, Chemicals, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements.

Dated: April 10, 2018.

Charlotte Bertrand,

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

[FR Doc. 2018–08427 Filed 4–23–18; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 88

[NIOSH Docket 094]

World Trade Center Health Program; Petition 018—Hypertension; Finding of Insufficient Evidence

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Denial of petition for addition of a health condition.

SUMMARY: On January 5, 2018, the Administrator of the World Trade Center (WTC) Health Program received a petition (Petition 018) to add hypertension (high blood pressure) to the List of WTC-Related Health Conditions (List). Upon reviewing the scientific and medical literature, including information provided by the petitioner, the Administrator has determined that the available evidence does not have the potential to provide a basis for a decision on whether to add hypertension to the List. The Administrator also finds that insufficient evidence exists to request a recommendation of the WTC Health Program Scientific/Technical Advisory Committee (STAC), to publish a proposed rule, or to publish a determination not to publish a proposed rule.

DATES: The Administrator of the WTC Health Program is denying this petition for the addition of a health condition as of April 24, 2018.

FOR FURTHER INFORMATION CONTACT: Rachel Weiss, Program Analyst, 1090 Tusculum Avenue, MS: C–48, Cincinnati, OH 45226; telephone (855) 818–1629 (this is a toll-free number); email *NIOSHregs@cdc.gov*.

SUPPLEMENTARY INFORMATION:

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A. WTC Health Program Statutory Authority

Title I of the James Zadroga 9/11 Health and Compensation Act of 2010 (Pub. L. 111–347, as amended by Pub. L. 114–113), added Title XXXIII to the

Public Health Service (PHS) Act,[1] establishing the WTC Health Program within the Department of Health and Human Services (HHS). The WTC Health Program provides medical monitoring and treatment benefits to eligible firefighters and related personnel, law enforcement officers, and rescue, recovery, and cleanup workers who responded to the September 11, 2001, terrorist attacks in New York City, at the Pentagon, and in Shanksville, Pennsylvania (responders), and to eligible persons who were present in the dust or dust cloud on September 11, 2001, or who worked, resided, or attended school, childcare, or adult daycare in the New York City disaster area (survivors).

All references to the Administrator of the WTC Health Program (Administrator) in this notice mean the Director of the National Institute for Occupational Safety and Health (NIOSH) or his designee.

Pursuant to section 3312(a)(6)(B) of the PHS Act, interested parties may petition the Administrator to add a health condition to the List in 42 CFR 88.15. Within 90 days after receipt of a valid petition to add a condition to the List, the Administrator must take one of the following four actions described in section 3312(a)(6)(B) of the PHS Act and § 88.16(a)(2) of the Program regulations: (1) Request a recommendation of the STAC; (2) publish a proposed rule in the **Federal Register** to add such health condition; (3) publish in the **Federal Register** the Administrator's determination not to publish such a proposed rule and the basis for such determination; or (4) publish in the **Federal Register** a determination that insufficient evidence exists to take action under (1) through (3) above.

B. Procedures for Evaluating a Petition

In addition to the regulatory provisions, the WTC Health Program has developed policies to guide the review of submissions and petitions,[2] as well as the analysis of evidence supporting the potential addition of a non-cancer health condition to the List.[3]

A valid petition must include sufficient medical basis for the association between the September 11, 2001, terrorist attacks and the health condition to be added; in accordance with WTC Health Program policy, reference to a peer-reviewed, published, epidemiologic study about the health condition among 9/11-exposed populations or to clinical case reports of health conditions in WTC responders or survivors may demonstrate the required medical basis.[4] Studies linking 9/11 agents to the petitioned health condition may also provide sufficient medical basis for a valid petition.

After the Program has determined that a petition is valid, the Administrator must direct the Program to conduct a review of the scientific literature to determine if the available scientific information has the potential to provide a basis for a decision on whether to add the health condition to the List.[5] The literature review includes a search for peer-reviewed, published, epidemiologic studies (including direct observational studies in the case of health conditions such as injuries) about the health condition among 9/11-exposed populations. The Program evaluates the scientific quality limitations of each peer-reviewed, published, epidemiologic study of the health condition identified in the literature search; the Program then compiles the scientific results of each study to assess whether a causal relationship between 9/11 exposures and the health condition is supported, and evaluates whether the results of the studies are representative of the 9/11-exposed population of responders and survivors. A health condition may be added to the List if peer-reviewed, published, epidemiologic studies provide support that the health condition is substantially likely[6] to be causally associated with 9/11 exposures. If the evaluation of evidence provided in peer-reviewed, published, epidemiologic studies of the health condition in 9/11 populations demonstrates a high, but not substantial, likelihood of a causal association between the 9/11 exposures and the health condition, then the Administrator may consider additional highly relevant scientific evidence regarding exposures to 9/11 agents[7] from sources using non-9/11-exposed populations. If that additional assessment establishes that the health condition is substantially likely to be causally associated with 9/11 exposures among 9/11-exposed populations, the health condition may be added to the List.

C. Petition 018

On January 5, 2018, the Administrator received a petition (Petition 018) from a WTC responder who worked at Ground Zero, requesting the addition of ''hypertension—high blood pressure'' to the List.[8] The petition included one scientific article reviewing the findings of peer-reviewed, published epidemiologic studies concerning the association of hypertension and cardiovascular disease with post-traumatic stress disorder (PTSD), by McFarlane [2010].[9] The McFarlane article on its own did not provide a medical basis, but it did provide a reference to a peer-reviewed, published study by Gerin *et al.* [2005][10] of hypertension in populations that were potentially affected by the September 11, 2001, terrorist attacks, in New York City, Washington DC, Chicago, and Mississippi, suggesting an association between 9/11 exposures and the health condition. The inclusion of a reference to this study in the submission provides sufficient medical basis for the submission to be considered a valid petition.

D. Review of Scientific and Medical Information and Administrator Determination

In response to Petition 018, and pursuant to the Program policy on the addition of non-cancer health conditions to the List,[11] the Program conducted reviews of the scientific literature on hypertension.[12] Through the literature search, the Program

[1] Title XXXIII of the PHS Act is codified at 42 U.S.C. 300mm to 300mm–61. Those portions of the James Zadroga 9/11 Health and Compensation Act of 2010 found in Titles II and III of Public Law 111–347 do not pertain to the WTC Health Program and are codified elsewhere.

[2] *See* WTC Health Program [2014], *Policy and Procedures for Handling Submissions and Petitions to Add a Health Condition to the List of WTC-Related Health Conditions,* May 14, 2014, *http://www.cdc.gov/wtc/pdfs/WTCHPPPPetitionHandlingProcedures14May2014.pdf.*

[3] *See* WTC Health Program [2017], *Policy and Procedures for Adding Non-Cancer Conditions to the List of WTC-Related Health Conditions,* February 14, 2017, *https://www.cdc.gov/wtc/pdfs/WTCHP_PP_Adding_NonCancers_14_February_2017.pdf.*

[4] *See supra* note 2.

[5] *See supra* note 3.

[6] The ''substantially likely'' standard is met when the scientific evidence, taken as a whole, demonstrates a strong relationship between the 9/11 exposures and the health condition.

[7] 9/11 agents are chemical, physical, biological, or other agents or hazards reported in a published, peer-reviewed exposure assessment study of responders or survivors who were present in the New York City disaster area, at the Pentagon site, or at the Shanksville, Pennsylvania site, as those locations are defined in 42 CFR 88.1.

[8] *See* Petition 018, WTC Health Program: Petitions Received, *http://www.cdc.gov/wtc/received.html.*

[9] McFarlane AC [2010], *The Long-Term Costs of Traumatic Stress: Intertwined Physical and Psychological Consequences,* World Psychiatry 9:3–10.

[10] Gerin W, Chaplin W, Schwartz JE, *et al.* [2005], *Sustained Blood Pressure Increase After an Acute Stressor: the Effects of the 11 September 2001 Attack on the New York City World Trade Center,* Journal of Hypertension 23(2):279–284.

[11] *Supra* note 3.

[12] Databases searched include: NIOSHTIC–2, ProQuest Health & Safety, PubMed, Scopus, Toxicology Abstracts/TOXLINE, and Medline.

identified 21 references to review for relevance;[13] of those identified references, three were found to be relevant peer-reviewed, published, epidemiologic studies of hypertension in 9/11-exposed populations: Simeon *et al.* [2008],[14] Trasande *et al.* [2013],[15] and Kim *et al.* [2018].[16] At this stage of the evaluation process, the Gerin *et al.* [2005] study was more carefully reviewed. The study population in Gerin *et al.* [2005] included participants residing in New York City and Washington DC who might have been exposed to reports of the September 11, 2001, terrorist attacks, in ''newspapers, radio and television broadcasts, magazine articles, and web-based discussions, literally every day from the time they occurred. . . .''[17] None of the participants were reported to have been first responders, volunteers, or survivors of the terrorist attacks, or to have been directly exposed to 9/11 agents. Accordingly, the Administrator determined that Gerin *et al.* [2005] is not an epidemiologic study of hypertension in the 9/11-exposed populations and does not meet the threshold for relevance established in the Program policy; therefore, the study is not further reviewed below.

Simeon et al. [2008]. The cross-sectional study[18] by Simeon *et al.* [2008] was designed to ''investigate perturbations in the major stress response systems . . . after the 9/11 attack, with a specific focus of dissecting unique correlates of posttraumatic stress versus dissociative symptomatology.'' The authors' primary hypothesis was that dissociation and posttraumatic stress show different associations to cortisol and psychophysiological measures (dexamethasone suppression, psychosocial stress reactivity, and physiological stress reactivity). Blood pressure and heart rate were also measured to allow comparisons between physiologic measures of dissociation and posttraumatic stress in exposed and unexposed study participants. Participants included 21 New York City residents considered ''highly exposed to 9/11,'' as well as 10 New York City residents who did not have significant 9/11 exposure or a diagnosis of posttraumatic stress disorder (PTSD), who served as the control group. Exposed participants reported being inside a tower, being in very close proximity to Ground Zero, losing a close loved-one, or participating in rescue and recovery efforts. Mean resting systolic blood pressure, mean resting diastolic blood pressure, mean peak Trier Social Stress Test (TSST) systolic blood pressure, and mean peak TSST diastolic blood pressure[19] did not differ significantly between the exposed and unexposed groups, even among seven of the 21 exposed participants who met criteria for a diagnosis of PTSD.

The Program found several limitations with the Simeon *et al.* [2008] study. First, the study inadequately adjusted for confounding; because the authors did not provide enough information about the control group, the Program was unable to determine whether adjustments had been made for all potential confounders. Second, the study inadequately addressed recruitment bias; the exposed study participants were recruited by newspaper advertisement, which primarily captures those individuals who subscribe to or purchase the newspaper and thus may not be representative of the entire 9/11-exposed population. Third, the study incompletely considered all aspects of exposure; the authors described the experimental and control groups only as ''highly exposed'' and no ''significant exposure,'' respectively, rather than seeking to quantitatively or qualitatively characterize the different types of exposure experienced by participants, as well as the intensity and duration of their exposures, and the resulting impacts on health outcomes. Finally, the study insufficiently addressed the inadequacies of the referent population; the study employs a small sample size and thus lacks adequate power to evaluate the association between 9/11 exposure and hypertension.

Trasande et al. [2013]. The second study, by Trasande *et al.* [2013], is also a cross-sectional study. It was designed to examine the impact of clinically-reported exposures on the health of children who were exposed to the terrorist attack in New York City. Study participants included 148 patients who were 18 years of age or younger on September 11, 2001, enrolled in the WTC Environmental Health Center (the health program for 9/11 survivors that predated the WTC Health Program). The authors compared blood pressure data from the study population[20] with that of children 6 to 19 years of age, reported in CDC's National Health and Nutrition Examination Survey (NHANES) 2001–2006. The authors developed exposure categories for dust cloud exposure and presence/absence at their home residence one day during September 11–18, 2001, but none were used in the evaluation of an association with prehypertension or hypertension. The study found that 45.5 percent of children in the study population were prehypertensive and 10.6 percent were hypertensive, compared with the NHANES data, in which 6.9 percent were prehypertensive and 2.4 percent were hypertensive;[21] prehypertension among the study group was positively associated with older age (+9.5% odds/year older, p = 0.024).

Although the results of Trasande *et al.* [2013] suggest possible cardiovascular effects, the Program found several major limitations with the study. First, the study inadequately adjusted for possible confounders; although the authors

[13] The 21 studies included a study by Jordan *et al.* [2011], which the Program evaluated and determined not to be relevant to an evaluation of hypertension among the 9/11 population. The study's authors evaluated cardiovascular disease hospitalizations among WTC Health Registry members; however, hypertension was grouped with other cardiovascular conditions and, therefore, the effect of 9/11 exposures on hypertension hospitalizations could not be ascertained. Jordan HT, Brackbill RM, Cone JE, *et al.* [2011], *Mortality among survivors of the Sept 11, 2001, World Trade Center disaster: results from the World Trade Center Health Registry cohort,* Lancet 378(9794):879–887.

[14] Simeon D, Yehuda R, Knutelska M, *et al.* [2008], *Dissociation versus posttraumatic stress: cortisol and physiological correlates in adults highly exposed to the World Trade Center attack on 9/11,* Psychiatry Research 161(3):325–329.

[15] Trasande L, Fiorino EK, Attina T, *et al.* [2013], *Associations of World Trade Center exposures with pulmonary and cardiometabolic outcomes among children seeking care for health concerns,* The Science of the Total Environment 444:320–326.

[16] Kim H, Kriebel D, Liu B, *et al.* [2018], *Standardized morbidity ratios of four chronic health conditions among World Trade Center responders: Comparison to the National Health Interview Survey,* American Journal of Industrial Medicine (accepted for publication).

[17] *Supra* note 10, at 283.

[18] An observational study that analyzes data from a population or sub-set of a population at a specific point in time.

[19] Blood pressure was measured at rest (averaged over four hourly time points) and at its peak during TSST. The study did not provide any information about equipment used or guidelines followed to measure blood pressure.

[20] Blood pressure was measured using a Philips SureSigns VS3 oscillometric sphygmomanometer with appropriate cuff size for arm length, following American Heart Association guidelines in Urbina E, Alpert B, Flynn J, Hayman L, Harshfield GA, Jacobson M, *et al.* [2008], *Ambulatory blood pressure monitoring in children and adolescents: recommendations for standard assessment: a scientific statement from the American Heart Association Atherosclerosis, Hypertension, and Obesity in Youth Committee of the council on cardiovascular disease in the young and the council for high blood pressure research,* Hypertension 52:433–51. The guidelines referenced by the study authors are for ambulatory blood pressure monitoring, not single clinic measurements as were conducted during the study.

[21] The study authors categorized blood pressure (BP) outcomes as follows: present/absent prehypertension (BP ≥90th percentile for age/height Z-score/gender or systolic BP ≥120 mm Hg or diastolic BP ≥80 mm Hg) and present/absent hypertension (BP ≥95th percentile for age/height Z-score/gender or systolic BP ≥140 mm Hg or diastolic BP ≥90 mm Hg).

identify that an important confounder is living in an urban setting where the types and concentrations of particulates are different than in other settings, no adjustments were made to account for the setting, limiting the value of the comparing the urban study population's blood pressure data with NHANES data, which includes data from suburban and rural populations likely exposed to different types and concentrations of particulates. Second, the study inadequately addressed recruitment bias; the authors selected participants from among those who presented to the WTC Environmental Health Center, and were ≤18 years old on September 11, 2001 and thus may have been sicker than the general population of survivors. Third, the study incompletely considered all aspects of exposure; 9/11 exposure among participants with hypertension was not considered or evaluated. Finally, the study insufficiently addressed the inadequacies of the referent population; the study does not describe whether the NHANES sample has a comparable ethnic composition and residential setting to that of the study group. Although the study did find a relatively high frequency of cardiometabolic risks, including elevated blood pressure, the authors did not evaluate the association between 9/11 exposure and hypertension.

Kim et al. [2018]. The third study, a prospective cohort study [22] by Kim *et al.* [2018], was designed to compare the lifetime prevalence of hypertension, asthma, diabetes, and cancer among WTC responders currently enrolled in the WTC Health Program, with a referent group from the National Health Interview Survey (NHIS). Hypertension [23] among WTC responders was self-reported, as was exposure to WTC dust and other stressors. After comparing annual standardized morbidity ratios for hypertension prevalence, the authors found that hypertension prevalence was statistically significantly increased among male WTC responders between 2007 and 2009, peaking at 1.17 (95% CI 1.13–1.22) in 2008, but decreased among male WTC responders in 2010, which was the last year studied. Hypertension prevalence was never elevated among women. The authors ultimately concluded that the slightly higher prevalence of hypertension in men in the study group may be associated with WTC-related PTSD and that further analysis and follow-up of WTC responders is warranted.

The Program identified several limitations with the Kim *et al.* [2018] study. First, the study inadequately adjusted for confounders; the standardized morbidity ratios were age-adjusted, but not adjusted for other confounders. Second, the study did not adequately adjust for recruitment bias; the authors acknowledge that selection bias is likely because sicker WTC responders may have been more likely to enroll in the WTC Health Program and attend follow-up examinations more frequently. Third, the study incompletely considered all aspects of exposure; the authors described the WTC responder and referent groups only as ''exposed'' and ''unexposed,'' respectively. Fourth, the study incompletely addressed the inadequacies of the referent population; the NHIS data, while representative of the U.S. population, is likely not comparable to the WTC responder cohort. Finally, outcome data in the study was incomplete; the authors used self-reported hypertension rather than conducting blood pressure measurements in study participants, and used different questions to define hypertension in the WTC responder group compared with the referent group.

Together, all three studies were assessed to determine whether a causal relationship between 9/11 exposures and hypertension is supported. The Program uses the following Bradford Hill criteria to evaluate studies of 9/11-exposed populations: strength of association, precision of the risk estimate, consistency of findings, biological gradient, and plausibility and coherence. Only one of the three studies demonstrated a statistically significant increase in hypertension among WTC responders (Kim *et al.* [2018]); one study found no statistically significant differences in blood pressure between exposed and unexposed participants (Simeon *et al.* [2008]); and one study used an inadequate comparison group and this faulty study design feature precluded an evaluation of the association between 9/11 exposures and the risk of hypertension (Trasande *et al.* [2013]). Only one of the three studies demonstrated a precise risk estimate (Kim *et al.* [2018]); risk estimates were not calculated in the other two studies. The studies did not share a single definition of hypertension, and, ultimately, their findings were not consistent, as only Kim *et al.* [2018] showed a statistically significant increase in hypertension among WTC responders. The biological gradient and dose response were not evaluated in any of the studies. Although none of the studies evaluated a causal association between hypertension and WTC dust, the Program finds it plausible and coherent that 9/11 exposures may increase blood pressure, possibly through one or more of the following mechanisms: (1) Systemic oxidative stress/inflammation, (2) elevated endothelin levels or activity, or (3) altered autonomic nervous system balance,[24] and this is consistent with the results presented by Trasande *et al.* [2013] and Kim *et al.* [2018].

Finally, the three studies were reviewed to determine whether the studies represent both the WTC responder and survivor populations or a subgroup of those populations, or whether the results can be extrapolated to the entire 9/11-exposed population. The Program found that only one study demonstrated that the results could be extrapolated to the population of WTC responders (Kim *et al.* [2018]); another study was conducted among a potentially non-representative and small sample of WTC survivors (Simeon *et al.* [2008]), and the final study did not describe a sampling procedure to allow an assessment of representativeness (Trasande *et al.* [2013]).

The studies described and evaluated above had limitations and lacked consistency among their results. Neither the one study that showed a statistically significant increase in hypertension among WTC responders, Kim *et al.* [2018], nor all three studies, taken together, were able to demonstrate that hypertension is substantially likely to be causally associated with 9/11 exposures among 9/11-exposed populations.

E. Administrator's Final Decision on Whether To Propose the Addition of Hypertension to the List

The Administrator has determined that insufficient evidence is available to take further action at this time, including proposing the addition of hypertension to the List (pursuant to PHS Act, sec. 3312(a)(6)(B)(ii) and 42 CFR 88.16(a)(2)(ii)) or publishing a determination not to publish a proposed

[22] A study that follows a cohort of similar individuals over time to determine how risk factors affect health outcomes.

[23] Responders who participated in the Kim *et al.* [2018], study were asked: ''Has a doctor ever told you that you had high blood pressure?'' The Program assumes the authors define hypertension as having responded ''yes'' to this questions, although this level of detail was not provided by the authors. Participants of the NHIS study were asked: ''Have you ever been told by a doctor or health professional that you have hypertension, also called high blood pressure?'' Kim *et al.* [2018] provides no further information provided regarding the study's definition of ''high blood pressure'' or ''hypertension.''

[24] *See* Brook RD, Urch B, Dvonch JT, *et al.* [2009], *Insights into the mechanisms and mediators of the effects of air pollution exposure on blood pressure and vascular function in healthy humans,* Hypertension 54(3):659–667.

rule in the **Federal Register** (pursuant to PHS Act, sec. 3312(a)(6)(B)(iii) and 42 CFR 88.16(a)(2)(iii)). The Administrator has also determined that requesting a recommendation from the STAC (pursuant to PHS Act, sec. 3312(a)(6)(B)(i) and 42 CFR 88.16(a)(2)(i)) is unwarranted.

For the reasons discussed above, the Petition 018 request to add hypertension to the List of WTC-Related Health Conditions is denied.

The WTC Health Program may consider hypertension to be a condition medically associated with a certified WTC-related health condition in individual cases. Program members who think their hypertension is a progression or side effect of treatment of a certified WTC-related health condition should ask their WTC Health Program medical provider whether their hypertension might be considered a medically associated health condition.

F. Approval To Submit Document to the Office of the Federal Register

The Secretary, HHS, or his designee, the Director, Centers for Disease Control and Prevention (CDC) and Administrator, Agency for Toxic Substances and Disease Registry (ATSDR), authorized the undersigned, the Administrator of the WTC Health Program, to sign and submit the document to the Office of the Federal Register for publication as an official document of the WTC Health Program. Robert Redfield M.D., Director, CDC, and Administrator, ATSDR, approved this document for publication on April 18, 2018.

John J. Howard,

Administrator, World Trade Center Health Program and Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services.

[FR Doc. 2018–08456 Filed 4–23–18; 8:45 am]

BILLING CODE 4163–18–P

Notices

Federal Register

Vol. 83, No. 79

Tuesday, April 24, 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 Marketing Service

[Document Number AMS–SC–18–0014]

Fruit and Vegetable Industry Advisory Committee

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of reestablishment of the U.S. Department of Agriculture (USDA) Fruit and Vegetable Industry Advisory Committee and second request for nominations.

SUMMARY: The U.S. Department of Agriculture (USDA) intends to reestablish the Fruit and Vegetable Industry Advisory Committee (FVIAC). The purpose of the FVIAC is to examine the full spectrum of issues faced by the fruit and vegetable industry and provide recommendations and ideas to the Secretary on how USDA can tailor its programs to better meet the needs of the fruit and vegetable industry. USDA also seeks additional nominations of individuals to be considered for selection to the FVIAC. Nominees who answered the first call for nominations published in **Federal Register** on August 2, 2017, need not reapply. All 25 positions on the FVIAC will be filled. All previous members must apply.

DATES: Written nominations must be postmarked on or before May 24, 2018.

ADDRESSES: Nomination applications can be sent via email to Marlene Betts at *Marlene.Betts@ams.usda.gov* or Valerie Minick at *Valerie.Minick@ams.usda.gov,* or mailed to: USDA–AMS–SCP, 1400 Independence Avenue SW, Room 2077–S, Stop 0235, Washington, DC 20250–0235. Electronic submittals are preferred.

FOR FURTHER INFORMATION CONTACT: Marlene Betts (202) 720–5057; Email: *marlene.betts@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2), notice is hereby given that the Secretary of Agriculture intends to reestablish the FVIAC for two years. The purpose of the FVIAC is to examine the full spectrum of issues faced by the fruit and vegetable industry and provide recommendations and ideas to the Secretary on how USDA can tailor its programs to better meet the fruit and vegetable industry's needs.

The Deputy Administrator of the Agricultural Marketing Service's Specialty Crops Program will serve as the FVIAC Executive Secretary. Representatives from USDA mission areas and agencies affecting the fruit and vegetable industry will be called upon to participate in the FVIAC's meetings as determined by the FVIAC Executive Secretary and the FVIAC.

Industry members are appointed by the Secretary of Agriculture and will serve staggered terms of up to 2 years. Approximately half of the FVIAC will serve a one-year term, with the remainder serving a two-year term. No member can serve more than six consecutive years. FVIAC membership consists of no more than 25 members who represent the fruit and vegetable industry, and will include individuals representing fruit and vegetable growers/shippers, fruit and vegetable wholesalers/distributors, brokers, retailers/restaurant representatives, fresh-cut and other fruit and vegetable processors, and foodservice suppliers. It should also include individuals representing farmers markets and food hubs, organic and non-organic fruit and vegetable representatives, and representatives from state departments of agriculture, farmer organizations, and produce trade associations.

Through this Notice and the Notice published on August 2, 2017 (82 FR 35926), the USDA seeks to fulfill two goals. Firstly, it is seeking additional nominations to fill all twenty-five (25) seats on the FVIAC. Due to the timing of the publication of renewal notice (83 FR 35926), and the expiration of the members' terms, it was determined that the FVIAC charter be reestablished and all 25 positions on the FVIAC be filled. Therefore, we are calling for additional nominees to fill all positions on the FVIAC. Previous FVIAC members must apply to be considered. The Secretary of Agriculture will appoint one person to each of these twenty-five (25) positions. Approximately one-half of the FVIAC will serve a 1-year term and the remainder of the FVIAC will serve a 2-year term.

Secondly, the USDA is seeking nominations to fill future unexpected vacancies in any of the position categories. These nominations will be held as a pool of candidates that the Secretary of Agriculture can draw upon as replacement appointees if unexpected vacancies occur. A person appointed to fill a vacancy will serve for the remainder of the term of the vacant position.

The Secretary of Agriculture invites those individuals, organizations, and groups affiliated with the categories listed above to nominate individuals or themselves for membership on the FVIAC. Nominations should describe and document the proposed member's fruit and vegetable industry qualifications for membership to the FVIAC. The Secretary of Agriculture seeks a diverse group of members representing a broad spectrum of persons interested in providing suggestions and ideas on how USDA can tailor its programs to meet the fruit and vegetable industry's needs.

To nominate yourself or someone else, please submit the following: A resume (required), Form AD–755 (required), which can be accessed at: *https://www.ams.usda.gov/about-ams/facas-advisory-councils/fviac/nominations,* a cover letter, and a list of endorsements or letters of recommendation (optional). Resumes must be no longer than 5 pages, and should include a summary of the following information: Current and past organization affiliations; areas of expertise; education; career positions held; any other notable positions held.

Equal opportunity practices will be followed in all appointments to the FVIAC in accordance with USDA policies. To ensure that FVIAC recommendations take into account the needs of the diverse groups served by USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, persons with disabilities and limited resource agriculture producers.

The information collection requirements concerning the nomination process have been previously cleared by the Office of

Management and Budget (OMB) under OMB Control No. 0505–0001.

Dated: April 19, 2018.

Bruce Summers,

Acting Administrator.

[FR Doc. 2018–08529 Filed 4–23–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0012]

Concurrence With OIE Risk Designations for Bovine Spongiform Encephalopathy

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our preliminary concurrence with the World Organization for Animal Health's (OIE) bovine spongiform encephalopathy (BSE) risk designations for four regions. The OIE recognizes these regions as being of negligible risk for BSE. We are taking this action based on our review of information supporting the OIE's risk designations for these regions.

DATES: We will consider all comments that we receive on or before June 25, 2018.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0012*.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2018–0012, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0012* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Rebecca Gordon, Senior Staff Veterinarian, Regionalization Evaluation Services, National Import Export Services, VS, APHIS, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606; (919) 855–7741.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 92 subpart B, ''Importation of Animals and Animal Products; Procedures for Requesting BSE Risk Status Classification With Regard To Bovines'' (referred to below as the regulations), set forth the process by which the Animal and Plant Health Inspection Service (APHIS) classifies regions for bovine spongiform encephalopathy (BSE) risk. Section 92.5 of the regulations provides that all countries of the world are considered by APHIS to be in one of three BSE risk categories: Negligible risk, controlled risk, or undetermined risk. These risk categories are defined in § 92.1. Any region that is not classified by APHIS as presenting either negligible risk or controlled risk for BSE is considered to present an undetermined risk. The list of those regions classified by APHIS as having either negligible risk or controlled risk can be accessed on the APHIS website at *https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import-information/import-live-animals/ct_bovine_spongiform_encephalopathy*. The list can also be obtained by writing to APHIS at National Import Export Services, 4700 River Road, Unit 38, Riverdale, MD 20737.

Under the regulations, APHIS may classify a region for BSE in one of two ways. One way is for regions that have not received a risk classification from the World Organization for Animal Health (OIE) to request classification by APHIS. The other way is for APHIS to concur with the classification given to a country or region by the OIE.

If the OIE has classified a region as either BSE negligible risk or BSE controlled risk, APHIS will seek information to support concurrence with the OIE classification. This information may be publicly available information, or APHIS may request that regions supply the same information given to the OIE. APHIS will announce in the **Federal Register**, subject to public comment, its intent to concur with an OIE classification.

In accordance with this process, we are giving notice in this document that APHIS intends to concur with the OIE risk classifications of the following regions:

- *Regions of negligible risk for BSE:* Croatia, Poland, Northern Ireland (region of United Kingdom), and Scotland (region of United Kingdom).

The OIE recommendations regarding each of the above regions can be viewed at *http://www.oie.int/animal-health-in-the-world/official-disease-status/bse/list-of-bse-risk-status/*. The conclusions of the OIE scientific commission for these regions can be viewed at:

Croatia: http://www.oie.int/fileadmin/Home/eng/Internationa_Standard_Setting/docs/pdf/SCAD/A_SCAD_Feb2014.pdf (page 88).

Poland: http://www.oie.int/fileadmin/Home/eng/Internationa_Standard_Setting/docs/pdf/SCAD/A_SCAD_Feb2017.pdf (page 71).

Northern Ireland: http://www.oie.int/fileadmin/Home/eng/Internationa_Standard_Setting/docs/pdf/SCAD/A_SCAD_Feb2017.pdf (page 74).

Scotland: http://www.oie.int/fileadmin/Home/eng/Internationa_Standard_Setting/docs/pdf/SCAD/A_SCAD_Feb2017.pdf (page 76).

After reviewing any comments we receive, we will announce our final determination regarding the BSE classification of these countries in the **Federal Register**, along with a discussion of and response to pertinent issues raised by commenters. If APHIS recognizes a region as either negligible risk or controlled risk for BSE, the Agency will include that region on the list of regions of negligible risk or controlled risk for BSE, as applicable, that is available to the public on the Agency's website at *https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import-information/import-live-animals/ct_bovine_spongiform_encephalopathy*.

Authority: 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 18th day of April 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–08430 Filed 4–23–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–29–2018]

Approval of Subzone Status; Orgill, Inc.; Sikeston, Missouri

On February 9, 2018, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the St. Louis County Port Authority, grantee of FTZ 102, requesting subzone status subject to the existing activation limit of FTZ 102, on behalf of Orgill, Inc., in Sikeston, Missouri.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (83 FR 6510, February 14, 2018). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval.

Pursuant to the authority delegated to the FTZ Board's Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 102F was approved on April 18, 2018, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 102's 2,000-acre activation limit.

Dated: April 18, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–08465 Filed 4–23–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–25–2017]

Foreign-Trade Zone (FTZ) 81—Portsmouth, New Hampshire; Notification of Proposed Production Activity; Textiles Coated International Inc. (Polytetrafluoroethylene Products); Manchester and Londonderry, New Hampshire

Textiles Coated International Inc. (TCI) submitted a notification of proposed production activity to the FTZ Board for its facilities in Manchester and Londonderry, New Hampshire. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on April 10, 2018.

TCI's facilities are located within Site 4 of FTZ 81. The facilities are used for the production of polytetrafluoroethylene (PTFE) products. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials/components 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 TCI from customs duty payments on the foreign-status materials/components used in export production (an estimated 40 percent of production). On its domestic sales, for the foreign-status materials/components noted below, TCI would be able to choose the duty rates during customs entry procedures that apply to: Fluoropolymer film sheeting .152mm in thickness in rolls and not in rolls; PTFE fiberglass colored and not colored; PTFE gaskets; joint sealants; sheet gasketing material with and without adhesives; silicone fiberglass fabrics with and without color; flexible PTFE ducting with coils reinforced and unreinforced; and, PTFE coated fiberglass sheets (duty rate ranges from 3.1% to 7.3%). TCI would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials and components sourced from abroad include: PTFE dispersions; PTFE fine powders; fluoropolymer film sheeting 0.152mm in thickness in rolls and not in rolls; woven glass fiber mats; woven glass fiber fabrics colored and not colored; fluorinated ethylene propylene (FEP) pellets; ethylene tetrafluoroethylene (ETFE) pellets; and, perfluoroalkoxy (PFA) pellets (duty rate ranges from 4.2% to 7.3%). The request indicates that woven glass fiber mats and woven glass fiber fabrics colored and not colored will be admitted to the zone in privileged foreign status (19 CFR 146.41), thereby precluding inverted tariff benefits on such items. The request also indicates that, PTFE dispersions and PTFE fine powders are subject to an antidumping/countervailing duty (AD/CVD) investigation if imported from certain countries. The FTZ Board's regulations (15 CFR 400.14(e)) require that merchandise subject to AD/CVD orders, or items which would be otherwise subject to suspension of liquidation under AD/CVD procedures if they entered U.S. customs territory, be admitted to the zone in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the 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 Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov* or (202) 482–1963.

Dated: April 16, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–08466 Filed 4–23–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–26–2018]

Foreign-Trade Zone (FTZ) 38—Spartanburg, South Carolina; Notification of Proposed Production Activity; AFL Telecommunications, LLC, (Optical Cable for Data Transfer), Duncan, South Carolina

AFL Telecommunications, LLC (AFL) submitted a notification of proposed production activity to the FTZ Board for its facility in Duncan, South Carolina. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on April 11, 2018.

AFL indicates that it will be submitting a separate subzone application for FTZ designation at its facility under FTZ 38. The facility will be used for the production of optical cables for data transfer. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components 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 AFL from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status materials/components noted below, AFL would be able to choose the duty rates during customs entry procedures that apply to optical cables for data transfer (duty-free). AFL would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Grease; silicon carbide grit; buffering gel; thixotropic gels of oil and silica; color chips; ink; glue; plastic jacketing compound; epoxy; silicone; acrylic plastic central strength member; plastic filler rod; mylar tape; plastic furcation tubing; jacket additive of polymerized plastic; aramid yarn; ripcord; binder string; water swellable yarn; water block tape; filler rod of fiberglass reinforced plastic; fiberglass reinforced plastic; tape or fiberglass yarn; copper clad steel

wire; stainless steel tape; stainless steel wire; galvanized steel stranded wire; copper wire; bare stranded copper wire; aluminum alloy wire; aluminum tape; aluminum alloy rod; insulated copper wire; drawn optical glass in reel form; and, drawn optical glass bundles in reel form (duty rate ranges from duty-free to 8.8%, and $0.013/kg + 5.7%). The request indicates that aramid yarn, ripcord, binder string, and water swellable yarn will be admitted to the zone in privileged foreign status (19 CFR 146.41), thereby precluding inverted tariff benefits on such items.

Public comment is invited from interested parties. Submissions shall be addressed to the 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 Board's website, which is accessible via *www.trade.gov/ftz*.

For further information, contact Juanita Chen at *juanita.chen@trade.gov* or 202–482–1378.

Dated: April 17, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–08464 Filed 4–23–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–832, A–580–896, and A–583–862]

Antidumping Duty Investigations on Polyethylene Terephthalate Resin From Indonesia, the Republic of Korea, and Taiwan; Preliminary Determinations of Critical Circumstances

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that critical circumstances exist for imports of polyethylene terephthalate (PET) resin from certain producers and exporters from Indonesia, the Republic of Korea (Korea), and Taiwan.

DATES: Applicable April 24, 2018.

FOR FURTHER INFORMATION CONTACT: Gene H. Calvert, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3586.

SUPPLEMENTARY INFORMATION:

Background

On September 26, 2017, Commerce received antidumping duty (AD) petitions concerning imports of PET resin from Brazil, Indonesia, Korea, Pakistan, and Taiwan, on behalf of DAK Americas LLC; Indorama Ventures USA, Inc. (Indorama Ventures); M&G Polymers USA, LLC; and Nan Ya Plastics Corporation, America (collectively, the petitioners).[1] On March 27, 2018, the petitioners timely filed allegations that critical circumstances exist with respect to imports of PET resin from producers and exporters from Indonesia, Korea, and Taiwan.[2] In accordance with 19 CFR 351.206(c)(2)(i), when a critical circumstances allegation is submitted more than 20 days before the scheduled date of the preliminary determination, Commerce must issue a preliminary finding of whether there is a reasonable basis to believe or suspect that critical circumstances exist by no later than the date of the preliminary determination. In the subject AD investigations, the petitioners requested that Commerce issue preliminary critical circumstances determinations on an expedited basis.[3]

Section 733(e)(1) of the Tariff Act of 1930, as amended (the Act), provides that Commerce, upon receipt of a timely allegation of critical circumstances, will preliminarily determine that critical circumstances exist in AD investigations if there is a reasonable basis to believe or suspect that: (A)(i) There is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (A)(ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there was likely to be material injury by reason of such sales, and (B) there have been massive imports of the subject merchandise over a relatively short period.

Sections 19 CFR 351.206(h)(2) and (i) provide that imports must increase by at least 15 percent during the ''relatively short period'' to be considered ''massive'' and defines a ''relatively short period'' as normally being the period beginning on the date the proceeding begins (*i.e.,* the date the petition is filed) and ending at least three months later. Commerce's regulations also provide, however, that if Commerce finds that importers, or exporters or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, Commerce may consider a period of not less than three months from that earlier time.[4]

Critical Circumstances Analysis

History of Dumping and Material Injury/ Knowledge of Sales Below Fair Value and Material Injury

To determine whether there is a history of dumping pursuant to section 733(e)(1)(A)(i) of the Act, Commerce generally considers current or previous AD orders on subject merchandise from the country in question in the United States and current orders imposed by other countries regarding imports of the same merchandise. The Critical Circumstances Allegations show that other countries have current measures in place covering imports of the same merchandise from the countries subject to these allegations.[5] For example, imports of PET resin from Indonesia have been subject to an AD measure in Malaysia since March 2015; imports of PET resin from Korea have been subject to an AD measure in Argentina since September 2017; and imports of PET resin from Taiwan have been subject to an AD measure in Argentina since September 2016.[6] Therefore, based on the AD measures in third-country

[1] *See* Petitioners' Letter, ''Petition for the Imposition of Antidumping Duties—Certain Polyethylene Terephthalate Resin from Brazil, Indonesia, the Republic of Korea, Pakistan, and Taiwan,'' dated September 26, 2017 (the Petitions). However, Indorama Ventures is not a petitioner with respect to the Indonesia petition.

[2] *See* Petitioners' Letter, ''Polyethylene Terephthalate (PET) Resin from Indonesia, Korea, and Taiwan—Critical Circumstances Allegation,'' dated March 27, 2018 (Critical Circumstances Allegations).

[3] *Id.* at 2.

[4] *See* 19 CFR 351.206(i).

[5] *See* Critical Circumstances Allegations at Attachment 1 referencing, ''Committee on Anti-Dumping Practices, Semi-Annual Report Under Article 16.4 of the Agreement—Argentina,'' WTO no. G/ADP/N/300/ARG (17–4516), dated August 24, 2017; ''Committee on Anti-Dumping Practices, Semi-Annual Report Under Article 16.4 of the Agreement—Brazil,'' WTO no. G/ADP/N/294/BRA (17–1149), dated February 24, 2017; ''Committee on Anti-Dumping Practices, Semi-Annual Report under Article 16.4 of the Agreement—Indonesia,'' WTO no. G/ADP/N/294/IDN (17–1537), dated March 21, 2017; ''Committee on Anti-Dumping Practices, Semi-Annual Report Under Article 16.4 of the Agreement—Malaysia,'' WTO no. G/ADP/N/294/MYS (17–1375), dated March 8, 2017; and ''Committee on Anti-Dumping Practices, Semi-Annual Report Under Article 16.4 of the Agreement—South Africa,'' WTO no. G/ADP/N/294/ZAF (17–1440), dated March 13, 2017.

[6] *Id.*

markets referenced above, we preliminarily determine that there is a history of dumping of PET resin exported from Indonesia, Korea, and Taiwan.

To determine whether importers knew or should have known that exporters were selling the subject merchandise at less than fair value pursuant section 733(e)(1)(A)(ii) of the Act, we typically consider the magnitude of dumping margins, including margins alleged in petitions.[7] Commerce has found margins of 15 percent or more (for constructed export price) to 25 percent or more (for export price) to be sufficient for this purpose.[8] Dumping margins alleged in the three AD petitions regarding the Critical Circumstances Allegations significantly exceed the 15 to 25 percent threshold: 53.50 percent for Indonesia,[9] 101.41 percent for Korea,[10] and 45 percent for Taiwan.[11] Because the margins alleged in the Petitions exceed the threshold sufficient to impute that importers had knowledge that exporters of PET resin from Indonesia, Korea, and Taiwan were selling subject merchandise at less than fair value, we preliminarily determine that importers knew or should have known that producers/exporters of PET resin in all three countries subject to the Critical Circumstances Allegations were selling subject merchandise to the United States at less than fair value.

To determine whether importers knew or should have known that there was likely to be material injury caused by reason of such imports pursuant section 733(e)(1)(A)(ii) of the Act, Commerce normally will look to the preliminary injury determination of the International Trade Commission (ITC).[12] If the ITC finds a reasonable indication of material injury to the relevant U.S. industry, material injury (as opposed to the threat of injury), Commerce will determine that a reasonable basis exists to impute importer knowledge that material injury is likely by reason of such imports. In the subject AD investigations, the ITC found that there is a ''reasonable indication'' of material injury to the domestic industry because of the imported subject merchandise.[13] Therefore, the ITC's preliminary injury determination in these investigations is sufficient to impute importer knowledge.

Massive Imports

Because the statutory criteria of section 733(e)(1)(A) of the Act have been satisfied, we next examined whether imports of subject merchandise from Indonesia, Korea, and Taiwan were ''massive'' over a relatively short period, pursuant to section 733(e)(1)(B) of the Act and 19 CFR 351.206(h). In making this determination, Commerce normally compares the import volumes of the subject merchandise for at least three months immediately preceding the filing of the petition (*i.e.,* the ''base period'') to a comparable period of at least three months following the filing of the petition (*i.e.,* the ''comparison period''). Imports will normally be considered massive when imports during the comparison period have increased by 15 percent or more compared to imports during the base period. It is Commerce's practice to base its critical circumstances analysis on all available data, using base and comparison periods of no less than three months.[14] For these preliminary determinations of critical circumstances, Commerce is defining the base and comparison periods within the bounds of its normal practice by extending the comparison period through January 2018 as shipment data is available on the record to do so. This is consistent with our past practice.[15]

Thus, in order to preliminarily determine whether there has been a massive surge in imports for each cooperating mandatory respondent, using shipment data submitted by the cooperating mandatory respondents, and shipment data of subject merchandise compiled by the ITC, Commerce compared the total volume of shipments from October 2017 through January 2018 (*i.e.,* all months for which shipment data was available) with the preceding four-month period of June 2017 through September 2017.[16] For ''all others,'' Commerce subtracted shipments reported by the cooperating mandatory respondents from the ITC data. For non-cooperating mandatory respondents (*i.e.,* those mandatory respondents that did not respond to our critical circumstances questionnaire or who otherwise indicated their unwillingness to participate in the investigations), we preliminarily determine, on the basis of adverse facts available,[17] that there has been a massive surge in imports. Accordingly, based on our analysis of information on the record, we preliminarily determine the following producers/exporters of subject merchandise had an increase of 15 percent or more in imports of subject merchandise during the comparison period when compared to the base period, satisfying the massive surge criteria, pursuant to section 733(e)(1)(B) of the Act and 19 CFR 351.206(h).[18]

[7] *See, e.g., Antidumping and Countervailing Duty Investigations of Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea, and Taiwan: Preliminary Determinations of Critical Circumstances,* 80 FR 68504 (November 5, 2015) (unchanged in the final determinations); *see also Notice of Preliminary Determinations of Critical Circumstances: Certain Cold-Rolled Carbon Steel Flat Products from Australia, the People's Republic of China, India, the Republic of Korea, the Netherlands, and the Russian Federation,* 67 FR 19157, 19158 (April 18, 2002) (unchanged in the final determination).

[8] *Id.; see also Preliminary Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China,* 62 FR 31972, 31978 (June 11, 1997) (unchanged in the final determination) and *Notice of Preliminary Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances and Postponement of Final Determination: Certain Frozen and Canned Warmwater Shrimp From the Socialist Republic of Vietnam,* 69 FR 42672 (July 16, 2004) (unchanged in the final determination).

[9] *See* Petitioners' Letter, ''Polyethylene Terephthalate (''PET'') Resin from Brazil, Indonesia, the Republic of Korea, Pakistan, and Taiwan—Petitioners' Amendment to Volume III Relating to Indonesia Antidumping Duties,'' dated October 3, 2017 at 9.

[10] *See* Petitioners' Letter, ''Polyethylene Terephthalate (''PET'') Resin from Brazil, Indonesia, the Republic of Korea, Pakistan, and Taiwan—Petitioners' Amendment to Volume IV Relating to the Republic of Korea Antidumping Duties,'' dated October 3, 2017 at 10.

[11] *See* Petitioners' Letter, ''Polyethylene Terephthalate (''PET'') Resin from Brazil, Indonesia, the Republic of Korea, Pakistan, and Taiwan—Petitioners' Amendment to Volume VI Relating to Taiwan Antidumping Duties,'' dated October 3, 2017 at 7.

[12] *See, e.g., Certain Potassium Phosphate Salts from the People's Republic of China: Preliminary Affirmative Determination of Critical Circumstances in the Antidumping Duty Investigation,* 75 FR 24572, 24573 (May 5, 2010), unchanged in *Certain Potassium Phosphate Salts from the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Termination of Critical Circumstances Inquiry,* 75 FR 30377 (June 1, 2010).

[13] *See Polyethylene Terephthalate (PET) Resin from Brazil, Indonesia, Korea, Pakistan, and Taiwan; Determinations,* 82 FR 53523 (November 16, 2017).

[14] *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Affirmative Preliminary Determination of Critical Circumstances; Certain Frozen Canned Warmwater Shrimp from India,* 69 FR 47111, 47118–47119 (August 4, 2004), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value and Negative Determination of Critical Circumstances: Certain Frozen and Canned Warmwater Shrimp from India,* 69 FR 76916 (December 23, 2004); *see also Countervailing Duty Investigation of Certain New Pneumatic Off-the-Road Tires from India: Final Affirmative Critical Circumstances Determination, in Part,* 82 FR 2946 (January 10, 2017) (*OTR Tires from India*) and accompanying ''Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Certain New Pneumatic Off-the-Road Tires from India,'' at 39–41.

[15] *Id.*

[16] These base and comparison periods satisfy the regulatory provisions that the base period be at least three months long and the base period have a comparable duration. Commerce gathered ITC shipment data under the harmonized tariff schedule numbers, 3907.61.0000 and 3907.69.0000.

[17] *See* section 776 of the Act.

[18] *See* respective preliminary critical circumstances calculation memoranda for each

• Indonesia (A–560–832): Indorama Polymers Public Co., Ltd.; All Other Producers/Exporters

• Korea (A–580–896): Lotte Chemical Corp. (REGD); TK Chemical Corp.; All Other Producers/Exporters

• Taiwan (A–583–862): Far Eastern New Century Corporation; Far Eastern Textile Ltd.; Worldwide Polychem (HK), Ltd.; All Other Producers/Exporters

In addition, based on record information, we also find that certain producers/exporters did not experience an increase of 15 percent or more in imports of subject merchandise during the comparison period when compared to the base period. As such, the following producers/exporters of subject merchandise did not have massive imports, as defined by section 733(e)(1)(B) of the Act and 19 CFR 351.206(h).[19]

• Indonesia (A–560–832): PT. Indo-Rama Synthetics Tbk.

• Korea (A–580–896): SK Chemicals Co., Ltd.

• Taiwan (A–583–862): Shinkong Synthetic Fibers Corporation

Finally, we note that in the AD investigation regarding imports of subject merchandise from Korea, respondent company SKC Co., Ltd. (SKC) submitted a certification, in lieu of a questionnaire response, that it did not make shipments of subject merchandise to the United States during the period of investigation, and there is no information on the record to contradict this claim. As a result, we are not making a critical circumstances determination with respect to SKC.[20]

Based on the criteria and findings discussed above, we preliminarily determine that critical circumstances exist with respect to imports of PET resin shipped by certain producers/exporters. Our findings are summarized as follows:

Country	Case No.	Affirmative preliminary critical circumstances determination	Negative preliminary critical circumstances determination
Indonesia	A–560–832	Indorama Polymers Public Co., Ltd.; All Other Producers/Exporters	PT. Indo-Rama Synthetics Tbk.
Korea	A–580–896	Lotte Chemical Corp. (REGD); TK Chemical Corp.; All Other Producers/Exporters	SK Chemicals Co., Ltd.
Taiwan	A–583–862	Far Eastern New Century Corporation; Far Eastern Textile Ltd.; Worldwide Polychem (HK), Ltd.; All Other Producers/Exporters.	Shinkong Synthetic Fibers Corporation.

Final Critical Circumstances Determinations

We will issue our final determinations concerning critical circumstances when we issue our final less than fair value determinations. All interested parties will have the opportunity to address these preliminary determinations in case briefs to be submitted after completion of the preliminary less than fair value determinations.

ITC Notification

In accordance with sections 733(f) of the Act, Commerce will notify the ITC of its preliminary determinations.

Suspension of Liquidation

In accordance with section 733(e)(2) of the Act, because we have preliminarily found that critical circumstances exist with regard to imports exported by certain producers and exporters, if we make an affirmative preliminary determination that sales at less than fair value have been made by these same producers/exporters at above *de minimis* rates,[21] we will instruct Customs and Border Protection (CBP) to suspend liquidation of all entries of subject merchandise from these producers/exporters that are entered, or withdrawn from warehouse, for consumption on or after the date that is 90 days prior to the effective date of ''provisional measures'' (*e.g.,* the date of publication in the **Federal Register** of the notice of an affirmative preliminary determination of sales at less than fair value at above *de minimis* rates). At such time, we will also instruct CBP to require a cash deposit equal to the estimated preliminary dumping margins reflected in the preliminary determination published in the **Federal Register**. The suspension of liquidation will remain in effect until further notice.

This notice is issued and published pursuant to sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.206(c).

Dated: April 20, 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. 2018–08692 Filed 4–23–18; 8:45 am]

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proceeding, dated concurrently with this **Federal Register** notice.

[19] *Id.*

[20] SKC is a distinct entity from mandatory respondent SK Chemicals Co., Ltd. (SK Chemicals), which had shipments during the period of investigation and which submitted a complete questionnaire response. SK Chemicals submitted shipment data for purposes of our critical circumstances determination, which has been analyzed for these preliminary critical circumstances determinations. We have reached a negative finding of critical circumstances for SK Chemicals, as indicated above.

[21] The preliminary determinations concerning the sales at less than fair value investigations are currently scheduled for April 27, 2018.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–823]

Welded Line Pipe From the Republic of Turkey: Rescission of Countervailing Duty Administrative Review; 2016

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

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty order on welded line pipe from the Republic of Turkey (Turkey) for the period January 1, 2016, through December 31, 2016.

DATES: Applicable April 24, 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.

SUPPLEMENTARY INFORMATION:

Background

On December 4, 2017, Commerce published in the **Federal Register** a

notice of ''Opportunity to Request Administrative Review'' of the countervailing duty order on welded line pipe from Turkey for the period January 1, 2016 through December 31, 2016.[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 countervailing 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 Commerce received timely requests for 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 countervailing duty order on welded line pipe from Turkey covering the period January 1, 2016 through December 31, 2016.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries. Countervailing duties shall be assessed at rates equal to the cash deposit of estimated countervailing 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 Regarding Administrative Protective Orders

This notice 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 18, 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. 2018–08468 Filed 4–23–18; 8:45 am]

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[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

[C–570–083]

Certain Steel Wheels From the People's Republic: Initiation of Countervailing Duty Investigation

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

DATES: Applicable April 16, 2018.

FOR FURTHER INFORMATION CONTACT: Eli Lovely at (202) 482–1593 or Maisha Cryor at (202) 482–5831, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On March 27, 2018, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) Petition concerning imports of certain steel wheels (steel wheels) from the People's Republic of China (China), filed in proper form on behalf of Accuride Corporation (Accuride) and Maxion Wheels Akron LLC (collectively, the petitioners).[1] The CVD Petition was accompanied by an antidumping duty (AD) Petition concerning imports of steel wheels China. The petitioners are domestic producers of steel wheels.[2]

On March 30, 2018, Commerce requested supplemental information pertaining to certain aspects of the Petitions. The petitioners filed additional information on April 3, 2018.[3] On April 9 and 13, 2018, Commerce requested the petitioners to clarity the scope of the Petition.[4] The petitioners filed responses to Commerce's scope request on April 13, 2018.[5]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that the Government of China (GOC) is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of steel wheels in China and imports of such products are materially injuring, or threatening material injury to, the domestic steel wheels industry in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the Petition is accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petition on behalf of the domestic industry because the petitioners are interested parties as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioners demonstrated sufficient industry

[1] *See* the petitioners' letter, ''Petitions for the Imposition of Antidumping Duties and Countervailing Duties on Imports of Certain Steel Wheels From the People's Republic of China,'' dated March 27, 2018 (the Petition).

[2] *Id.* at Volume I of the Petition at I–2.

[3] *See* the petitioners' letters, ''*Certain Steel Wheels from the People's Republic of China (C–570–083):* Petitioners' Response to the Department's March 30, 2018 Supplemental Questionnaire Regarding the Countervailing Duty Petition, dated March 30, 2018); and ''Petitioners' Response to the Department of Commerce's March 30, 2018 General Issues Questionnaire Regarding the Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Steel Wheels from the People's Republic of China,'' dated April 3, 2018 (General Issues Supplement).

[4] *See* Commerce's Memorandum to the File, ''Phone Call with Counsel to Petitioners,'' dated April 9, 2018 and Commerce's Memorandum to the File, ''Phone Call with Counsel to Petitioners,'' dated April 13, 2018.

[5] *See* the petitioners' Letter, ''Petitioners' Scope Clarification Regarding the Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Steel Wheels from the People's Republic of China,'' dated April 13, 2018.

support necessary for the initiation of the requested CVD investigation.[6]

Period of Investigation

Because the Petition was filed on March 27, 2018, the period of investigation is January 1, 2017, through December 31, 2017.

Scope of the Investigation

The product covered by these investigations is steel wheels from China. For a full description of the scope of these investigations, *see* the Appendix to this notice.

Scope Comments

During our review of the Petition, Commerce issued questions to, and received responses from, the petitioners pertaining to the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.[7] As a result of these exchanges, the scope of the Petition was modified to clarify the description of merchandise covered by the Petition. The description of the merchandise covered by this initiation, as described in the Appendix to this notice, reflects these clarifications.

As discussed in the Preamble to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).[8] Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,[9] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit such comments by 5:00 p.m. Eastern Time (ET) on May 6, 2018, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on May 16, 2018, which is 10 calendar days from the initial comments deadline.[10]

Commerce requests that any factual information parties consider relevant to the scope of the investigation be submitted during this period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact Commerce and request permission to submit the additional information. All such submissions must be filed on the records of each of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[11] An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified representatives of the GOC of the receipt of the Petition and provided them the opportunity for consultations with respect to the CVD Petition.[12] The GOC did not request consultations.

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[13] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[14]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in a petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the Petition. Based on our analysis of the information submitted on the record, we have determined that steel wheels, as defined in the scope, constitute a single domestic like product, and we have

[6] *See* ''Determination of Industry Support for the Petition'' section, *infra.*

[7] *See* General Issues Supplemental Questionnaire, at 3–5.

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

[9] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[10] *See* 19 CFR 351.303(b).

[11] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011). *See also Enforcement and Compliance: Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/ help.aspx,* and a handbook can be found at *https://access.trade.gov/help/ Handbook%20on%20Electronic%20Filling%20 Procedures.pdf.*

[12] *See* Letter from Robert Bolling, Program Manager, Office IV, to the Embassy of China ''Countervailing Duty Petition on Certain Steel Wheels from China,'' dated April 2, 2018.

[13] *See* Section 771(10) of the Act.

[14] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

analyzed industry support in terms of that domestic like product.[15]

In determining whether the petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition and the General Issues Supplement with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in the Appendix to this notice. The petitioners provided their 2017 production of the domestic like product.[16] The petitioners state that they are the only known producers of steel wheels in the United States; therefore, the Petition is supported by 100 percent of the U.S. industry.[17]

Our review of the data provided in the Petition, General Issues Supplement, and other information readily available to Commerce indicates that the petitioners have established industry support for the Petition.[18] First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[19] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[20] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[21] Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

Commerce finds that the petitioners filed the Petition on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act, and they have demonstrated sufficient industry support with respect to the CVD investigation that they are requesting that Commerce initiate.[22]

Injury Test

Because China is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from China materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioners allege that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[23]

The petitioners contend that the industry's injured condition is illustrated by a significant and increasing volume of subject imports, reduced market share and increasing market share of subject imports, underselling and price depression or suppression, lost sales and revenues, and adverse effects on petitioners' operating indicators and financial results.[24] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[25]

Initiation of CVD Investigation

Based on the examination of the Petition, we find that the Petition meet the requirements of section 702 of the Act. Therefore, we are initiating a CVD investigation to determine whether imports of steel wheels from China benefit from countervailable subsidies conferred by the GOC. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 65 days after the date of this initiation.

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on all of the subsidy programs alleged in the petition, with certain limitations. For a full discussion of the basis for our decision to initiate on each program, *see* China CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

The petitioners named 32 companies in China[26] as producers/exporters of steel wheels. Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in these investigations. In the event Commerce determines that the number of companies is large and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of steel wheels from China during the POI under the appropriate Harmonized Tariff Schedule of the United States numbers listed in the ''Scope of the Investigation,'' in the Appendix.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Commerce's website at *http://enforcement.trade.gov/apo.*

Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the date noted above. We intend to finalize our decisions regarding respondent selection within 20 days of publication of this notice.

[15] For a discussion of the domestic like product analysis in this case, *see* Countervailing Duty Investigation Initiation Checklist: Certain Steel Wheels from the People's Republic of China (Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Steel Wheels from the People's Republic of China (Attachment II). This checklist is dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[16] *See* Volume I of the Petition, at I–36.

[17] *Id.* at I–7 and Exhibit I–1; *see also* General Issues Supplement, at SGQ–11—SGQ–12 and Exhibit SGQ–10.

[18] *See* Initiation Checklist, at Attachment II.

[19] *See* section 702(c)(4)(D) of the Act; *see also* Initiation Checklist, at Attachment II.

[20] *See* Initiation Checklist, at Attachment II.

[21] *Id.*

[22] *Id.*

[23] *See* Volume I of the Petition, at I–20—I–22 and Exhibit I–15.

[24] *Id.* at I–22 through I–37, Exhibits I–10 through I–16, and Exhibit I–25.

[25] *See* Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Steel Wheels from the People's Republic of China.

[26] *See* General Issues Supplemental Questionnaire Response at Exhibit SGQ–1.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public versions of the Petition have been provided to the GOC *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of steel wheels from China are materially injuring, or threatening material injury to, a U.S. industry.[27] A negative ITC determination will result in the investigation being terminated.[28] Otherwise, this investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). 19 CFR 351.301(b) requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted[29] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[30] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

[27] *See* section 703(a)(2) of the Act.

[28] *See* section 703(a)(1) of the Act.

[29] *See* 19 CFR 351.301(b).

[30] *See* 19 CFR 351.301(b)(2).

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[31] Parties must use the certification formats provided in 19 CFR 351.303(g).[32] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

[31] *See* section 782(b) of the Act.

[32] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*''); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

This notice is issued and published pursuant to sections 702 and 777(i) of the Act and 19 CFR 351.203(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

Scope of the Investigation

The merchandise subject to the investigation is certain on-the-road steel wheels, discs, and rims for tubeless tires, with a nominal rim diameter of 22.5 inches and 24.5 inches, regardless of width. Certain on-the-road steel wheels with a nominal wheel diameter of 22.5 inches and 24.5 inches are generally for Class 6, 7, and 8 commercial vehicles (as classified by the Federal Highway Administration Gross Vehicle Weight Rating system), including tractors, semi-trailers, dump trucks, garbage trucks, concrete mixers, and buses, and are the current standard wheel diameters for such applications. The standard widths of certain on-the-road steel wheels are 7.5 inches, 8.25 inches, and 9.0 inches, but all certain on-the-road steel wheels, regardless of width, are covered by the scope. While 22.5 inches and 24.5 inches are standard wheel sizes used by Class 6, 7, and 8 commercial vehicles, the scope covers sizes that may be adopted in the future for Class 6, 7, and 8 commercial vehicles.

The scope includes certain on-the-road steel wheels with either a ''hub-piloted'' or ''stud-piloted'' mounting configuration, and includes rims and discs for such wheels, whether imported as an assembly or separately. The scope includes certain on-the-road steel wheels, discs, and rims, of carbon and/or alloy steel composition, whether cladded or not cladded, whether finished or not finished, and whether coated or uncoated. All on-the-road wheels sold in the United States are subject to the requirements of the National Highway Traffic Safety Administration and bear markings, such as the ''DOT'' symbol, indicating compliance with applicable motor vehicle standards. *See* 49 CFR 571.120. The scope includes certain on-the-road steel wheels imported with or without the required markings. Certain on-the-road steel wheels imported as an assembly with a tire mounted on the wheel and/or with a valve stem attached are included. However, if the certain on-the-road steel wheel is imported as an assembly with a tire mounted on the wheel and/or with a valve stem attached, the certain on-the-road steel wheel is covered by the scope, but the tire and/or valve stem is not covered by the scope.

Excluded from the scope are:

(1) Steel wheels for tube-type tires that require a removable side ring;

(2) aluminum wheels;

(3) wheels where steel represents less than fifty percent of the product by weight; and

(4) steel wheels that do not meet National Highway Traffic Safety Administration requirements, other than the rim marking requirements found in 49 CFR § 571.120S5.2.

Imports of the subject merchandise are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 8708.70.4530, 8708.70.4560, 8708.70.6030, 8708.70.6060, 8716.90.5045, and 8716.90.5059. Merchandise meeting the scope description may also enter under the following HTSUS subheadings: 4011.20.1015, 4011.20.5020, and 8708.99.4850. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

[FR Doc. 2018–08469 Filed 4–23–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–082]

Certain Steel Wheels From the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation

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

DATES: Applicable April 16, 2018.

FOR FURTHER INFORMATION CONTACT: Stephen Bailey or Aleksandras Nakutis at (202) 482–0193 or (202) 482–3147, respectively; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On March 27, 2018, the U.S. Department of Commerce (Commerce) received an antidumping duty (AD) Petition concerning imports of certain steel wheels (steel wheels) from the People's Republic of China (China), filed in proper form on behalf of Accuride Corporation (Accuride) and Maxion Wheels Akron LLC (Maxion) (collectively, the petitioners).[1] The AD Petition was accompanied by a countervailing duty (CVD) Petition concerning imports of steel wheels from China. The petitioners are domestic producers of steel wheels.[2]

On March 30, 2018, Commerce requested supplemental information pertaining to certain aspects of the Petitions. The petitioners filed additional information on April 3, 2018.[3] On April 9 and 13, 2018, Commerce requested the petitioners to clarity the scope of the Petition.[4] The petitioners filed responses to Commerce's scope request on April 13, 2018.[5]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of steel wheels from China are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing steel wheels in the United States. Consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to the petitioners supporting their allegation.

Commerce finds that the petitioners filed the Petition on behalf of the domestic industry because the petitioners are interested parties as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioners demonstrated sufficient industry support with respect to the initiation of the AD investigation that the petitioners are requesting.[6]

Period of Investigation

Because China is a non-market economy (NME) country, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) for the China investigation is July 1, 2017, through December 31, 2017.

Scope of the Investigation

The product covered by this investigation is certain steel wheels from China. For a full description of the scope of this investigation, *see* the Appendix to this notice.

Scope Comments

During our review of the Petition, Commerce issued questions to, and received responses from, the petitioners pertaining to the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.[7] As a result of these exchanges, the scope of the Petition was modified to clarify the description of merchandise covered by the Petition. The description of the merchandise covered by this initiation, as described in the Appendix to this notice, reflects these clarifications.

As discussed in the preamble to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).[8] Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,[9] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit such comments by 5:00 p.m. Eastern Time (ET) on May 7, 2018, which is the next business day after 20 calendar days from the signature date of this notice.[10] Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on May 17, 2018, which is 10 calendar days from the initial comments deadline.

Commerce requests that any factual information parties consider relevant to the scope of the investigation be submitted during this period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. All such submissions must be filed on the records of each of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[11]

[1] *See* the petitioners' letter, ''Petitions for the Imposition of Antidumping Duties and Countervailing Duties on Imports of Certain Steel Wheels from the People's Republic of China,'' dated March 27, 2018 (the Petition).

[2] *See* Volume I of the Petition, at I–2.

[3] *See* the petitioners' letters, ''*Certain Steel Wheels from the People's Republic of China (C–570–083):* Petitioners' Response to the Department's March 30, 2018 Supplemental Questionnaire Regarding the Countervailing Duty Petition, dated March 30, 2018); and ''Petitioners' Response to the Department of Commerce's March 30, 2018 General Issues Questionnaire Regarding the Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Steel Wheels from the People's Republic of China,'' dated April 3, 2018 (General Issues Supplement).

[4] *See* Commerce's Memorandum to the File, ''Phone Call with Counsel to Petitioners,'' dated April 9, 2018 and Commerce's Memorandum to the File, ''Phone Call with Counsel to Petitioners,'' dated April 13, 2018.

[5] *See* the petitioners' Letter, ''Petitioners' Scope Clarification Regarding the Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Steel Wheels from the People's Republic of China,'' dated April 13, 2018.

[6] *See* the ''Determination of Industry Support for the Petition'' section, *infra.*

[7] *See* General Issues Supplement, at SGQ2–SGQ8.

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

[9] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[10] *See* 19 CFR 351.303(b).

[11] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures;*

An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaire

Commerce is provide interested parties an opportunity to comment on the appropriate physical characteristics of steel wheels to be reported in response to Commerce's AD questionnaire. This information will be used to identify the key physical characteristics of the merchandise under consideration in order to report the relevant factors of production accurately, as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. In order to consider the suggestions of interested parties in developing and issuing the AD questionnaire, all product characteristics comments must be filed by 5:00 p.m. ET on May 7, 2018, which is the next business day after 20 calendar days from the signature date of this notice.[12] Any rebuttal comments must be filed by 5:00 p.m. ET on May 17, 2018. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of the China less-than-fair-value investigation.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[13] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[14]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in a petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the Petition. Based on our analysis of the information submitted on the record, we have determined that steel wheels, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[15]

In determining whether the petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition and the General Issues Supplement with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in the Appendix to this notice. The petitioners provided their 2017 production of the domestic like product.[16] The petitioners state that they are the only known producers of steel wheels in the United States; therefore, the Petition is supported by 100 percent of the U.S. industry.[17]

Our review of the data provided in the Petition, General Issues Supplement, and other information readily available to Commerce indicates that the petitioners have established industry support for the Petition.[18] First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[19] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[20] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to,

Administrative Protective Order Procedures, 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[12] *See* 19 CFR 351.303(b).

[13] *See* Section 771(10) of the Act.

[14] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[15] For a discussion of the domestic like product analysis in this case, *see* Antidumping Duty Investigation Initiation Checklist: Certain Steel Wheels from the People's Republic of China (Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Steel Wheels from the People's Republic of China (Attachment II). This checklist is dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[16] *See* Volume I of the Petition, at I–36.

[17] *Id.* at I–7 and Exhibit I–1; *see also* General Issues Supplement, at SGQ–11—SGQ–12 and Exhibit SGQ–10.

[18] *See* Initiation Checklist, at Attachment II.

[19] *See* section 732(c)(4)(D) of the Act; *see also* Initiation Checklist, at Attachment II.

[20] *See* Initiation Checklist, at Attachment II.

the Petition.[21] Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

Commerce finds that the petitioners filed the Petition on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act, and they have demonstrated sufficient industry support with respect to the AD investigation that they are requesting that Commerce initiate.[22]

Allegations and Evidence of Material Injury and Causation

The petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (NV). In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[23]

The petitioners contend that the industry's injured condition is illustrated by a significant and increasing volume of subject imports, reduced market share and increasing market share of subject imports, underselling and price depression or suppression, lost sales and revenues, and adverse effects on the petitioners' operating indicators and financial results.[24] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[25]

Allegations of Sales at Less Than Fair Value

The following is a description of the allegations of sales at less than fair value upon which Commerce based its decision to initiate an AD investigation of imports of steel wheels from China. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the Initiation Checklist.

Export Price

The petitioners based EP on an importer price list, price quotes, and internet prices.[26] Where applicable, the petitioners made deductions from U.S. price for movement and other expenses, consistent with the terms of sale.[27]

Normal Value

Commerce considers China to be an NME country.[28] In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat China as an NME country for purposes of the initiation of this investigation. Accordingly, NV in China is appropriately based on factors of production (FOPs) valued in a surrogate market economy country, in accordance with section 773(c) of the Act.[29]

The petitioners claim that Thailand is an appropriate surrogate country for China because it is a market economy country that is at a level of economic development comparable to that of China and it is a significant producer of comparable merchandise.[30] The petitioners provided publicly available information from Thailand to value all FOPs.[31] Therefore, based on the information provided by the petitioners, we determine that it is appropriate to use Thailand as the primary surrogate country for initiation purposes.

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

Factors of Production

Because information regarding the FOPs and volume of inputs consumed by Chinese producers/exporters was not reasonably available, the petitioners used the product-specific consumption rates of a U.S. steel wheels producer to estimate the Chinese manufacturers' FOPs.[32] The petitioners valued the estimated FOPs using surrogate values from Thailand, as noted above.[33] The petitioners used the average POI exchange rate to convert the data to U.S. dollars.[34]

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of steel wheels from China are being, or are likely to be, sold in the United States at less than fair value. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for steel wheels from China are 12.1–231.7 percent.[35]

Initiation of Less-Than-Fair-Value Investigation

Based upon the examination of the AD Petition, we find that the Petition meets the requirements of section 732 of the Act. Therefore, we are initiating an AD investigation to determine whether imports of steel wheels from China are being, or are likely to be, sold in the United States at less than fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation.

Respondent Selection

The petitioners named 32 producers/exporters as accounting for the majority of exports of steel wheels to the United States from China.[36] In accordance with our standard practice for respondent selection in AD cases involving NME countries, we intend to issue quantity and value (Q&V) questionnaires to producers/exporters of merchandise subject to this investigation. In the event Commerce determines that it cannot individually examine each company, where appropriate, Commerce intends to select mandatory respondents based on the responses received. For this investigation, Commerce will request Q&V information from known exporters and producers identified with complete contact information in the Petition. In addition, Commerce will post the Q&V questionnaires along with filing instructions on Enforcement and Compliance's website at *http://www.trade.gov/enforcement/news.asp.*

Producers/exporters of steel wheels from China that do not receive Q&V questionnaires by mail may still submit

[21] *Id.*

[22] *Id.*

[23] *See* Volume I of the Petition, at I–20—I–22 and Exhibit I–15.

[24] *See* Volume I of the Petition, at I–22 through I–37, Exhibits I–10 through I–16, and Exhibit I–25.

[25] *See* Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Steel Wheels from the People's Republic of China.

[26] *See* Initiation Checklist and AD Supplement.

[27] *Id.*

[28] *See Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less-Than-Fair Value and Postponement of Final Determination,* 82 FR 50858, 50861 (November 2, 2017), and accompanying decision memorandum, *China's Status as a Non-Market Economy.*

[29] *See* AD Initiation Checklist.

[30] *See* Volume II of the Petition, at I–4 and II–5.

[31] *Id.* at II–6 and Exhibit II–7(A)(1–2) and (B)(1–4).

[32] *Id.* at II–10.

[33] *Id.* at II–6 and Exhibit II–7(A)(1–2) and (B)(1–4).

[34] *Id.* at Exhibit II–7(B).

[35] *See* AD Initiation Checklist.

[36] *See* Volume I of the Petition at Exhibit I–6.

a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Enforcement & Compliance's website. The Q&V response must be submitted by the relevant Chinese exporters/producers no later than 5:00 p.m. ET on April 30, 2018, which is two weeks from the signature date of this notice. All Q&V responses must be filed electronically via ACCESS.

Separate Rates

In order to obtain separate-rate status in an NME investigation, exporters and producers must submit a separate-rate application.[37] The specific requirements for submitting a separate-rate application in this investigation are outlined in detail in the application itself, which is available on Commerce's website at *http://enforcement.trade.gov/nme/nme-sep-rate.html.* The separate-rate application will be due 30 days after publication of this initiation notice.[38] Exporters and producers who submit a separate-rate application and have been selected as mandatory respondents will be eligible for consideration for separate-rate status only if they respond to all parts of Commerce's AD questionnaire as mandatory respondents. Commerce requires that companies from China submit a response to both the Q&V questionnaire and the separate-rate application by the respective deadlines in order to receive consideration for separate-rate status. Companies not filing a timely Q&V response will not receive separate-rate consideration.

Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[39]

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the Petition have been provided to the government of China *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of steel wheels from China are materially injuring or threatening material injury to a U.S. industry. A negative ITC determination will result in the investigation being terminated.[40] Otherwise, the investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). 19 CFR 351.301(b) requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted[41] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[42] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this investigation.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[43] Parties must use the certification formats provided in 19 CFR 351.303(g).[44] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

[37] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving Non-Market Economy Countries (April 5, 2005), available at *http://enforcement.trade.gov/policy/bull05-1.pdf* (Policy Bulletin 05.1).

[38] Although in past investigations this deadline was 60 days, consistent with 19 CFR 351.301(a), which states that ''the Secretary may request any person to submit factual information at any time during a proceeding,'' this deadline is now 30 days.

[39] *See* Policy Bulletin 05.1 at 6 (emphasis added).

[40] *Id.*

[41] *See* 19 CFR 351.301(b).

[42] *See* 19 CFR 351.301(b)(2).

[43] *See* section 782(b) of the Act.

[44] *See also Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(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

Scope of the Investigation

The merchandise subject to the investigation is certain on-the-road steel wheels, discs, and rims for tubeless tires, with a nominal rim diameter of 22.5 inches and 24.5 inches, regardless of width. Certain on-the-road steel wheels with a nominal wheel diameter of 22.5 inches and 24.5 inches are generally for Class 6, 7, and 8 commercial vehicles (as classified by the Federal Highway Administration Gross Vehicle Weight Rating system), including tractors, semi-trailers, dump trucks, garbage trucks, concrete mixers, and buses, and are the current standard wheel diameters for such applications. The standard widths of certain on-the-road steel wheels are 7.5 inches, 8.25 inches, and 9.0 inches, but all certain on-the-road steel wheels, regardless of width, are covered by the scope. While 22.5 inches and 24.5 inches are standard wheel sizes used by Class 6, 7, and 8 commercial vehicles, the scope covers sizes that may be adopted in the future for Class 6, 7, and 8 commercial vehicles.

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(1) steel wheels for tube-type tires that require a removable side ring;

(2) aluminum wheels;

(3) wheels where steel represents less than fifty percent of the product by weight; and

(4) steel wheels that do not meet National Highway Traffic Safety Administration requirements, other than the rim marking requirements found in 49 CFR 571.120S5.2.

Imports of the subject merchandise are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 8708.70.4530, 8708.70.4560, 8708.70.6030, 8708.70.6060, 8716.90.5045, and 8716.90.5059. Merchandise meeting the scope description may also enter under the following HTSUS subheadings: 4011.20.1015, 4011.20.5020, and 8708.99.4850. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

[FR Doc. 2018–08467 Filed 4–23–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–808]

Stainless Steel Wire Rod From India: 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 stainless steel wire rod from India for the period December 1, 2016, through November 30, 2017.

DATES: Applicable April 24, 2018.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3477.

SUPPLEMENTARY INFORMATION:

Background

On December 4, 2017, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on stainless steel wire rod (SSWR) from India for the period of review (POR) December 1, 2016, through November 30, 2017.[1] On December 29, 2017, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), Isinox Limited (Isinox) requested an administrative review of the order with respect to its exports of subject merchandise to the United States.[2] On February 23, 2018, in accordance with section 751(a) the Act and 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the order on SSWR from India with respect to Isinox.[3] On April 6, 2018, Isinox timely withdrew its request for an administrative review.[4] No other party requested a review.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review ''in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review.'' Isinox withdrew its request for review within the 90-day time limit. Because Commerce received no other requests for review of Isinox, and no other requests for the review of the order on SSWR from India, we are rescinding the administrative review of the order in full, in accordance with 19 CFR 351.213(d)(1).

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of SSWR products from India during the POR at rates equal to the cash deposit rate 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 final reminder to importers of their responsibility

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

[2] *See* Isinox Limited's Letter, ''Re: Stainless Steel Wire Rod: Request for Administrative Review,'' dated December 29, 2017.

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

[4] *See* Isinox Limited's Letter, ''Re Stainless Steel Wire Rod from India: Withdrawal of Request for Administrative Review of Antidumping Duty of Isinox Limited,'' dated April 6, 2018.

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

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: April 19, 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. 2018–08538 Filed 4–23–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG183

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Mackerel, Squid, and Butterfish Advisory Panel and Committee will hold a public meeting.

DATES: The meeting will be held on Tuesday, May 15, 2018, from 10 a.m. to 4 p.m. See **SUPPLEMENTARY INFORMATION** for agenda details.

ADDRESSES: The meeting will be held at the Double Tree by Hilton Baltimore—BWI Airport, 890 Elkridge Landing Road, Linthicum, MD 21090; telephone: (410) 859–8400.

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; website: *www.mafmc.org*.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Fishery Management Council's Mackerel, Squid, and Butterfish Advisory Panel and Committee will meet on Tuesday, May 15, 2018 in Linthicum, MD. The purpose of this meeting is to review development of the chub mackerel amendment and to develop recommendations to the Mid-Atlantic Fishery Management Council on management alternatives and other aspects of the amendment. The amendment will consider adding Atlantic chub mackerel (*Scomber colias*) to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. The amendment will consider potential catch limits, accountability measures, and other conservation and management measures required for stocks ''in the fishery.'' A detailed agenda and background documents will be made available on the Council's website (*www.mafmc.org*) prior to the meeting.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: April 19, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–08498 Filed 4–23–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG174

Western Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will convene a meeting of its Plan Team for the Fishery Ecosystem Plan for Pelagics Fisheries of the Western Pacific Region (PPT) in Honolulu, HI to discuss fishery issues and develop recommendations for future management.

DATES: The meeting of the PPT will be held on May 14–16 2018, from 8:30 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Council Office Conference Room, Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813; telephone: (808) 522–8220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION:

The PPT will meet at the Council Conference Room to discuss the following agenda items:

Monday, May 14, 2018, 8:30 a.m.

1. Introduction
2. Review 2017 Annual Stock assessment and fishery evaluation (SAFE) Report Modules
   - A. Fishery Data Modules
     - i. American Samoa
     - ii. Northern Marianas Islands
     - iii. Guam
     - iv. Hawaii
     - v. International
     - vi. Recreational Fisheries
   - B. Ecosystem Chapter
     - i. Environmental & climate variables
     - ii. Habitat section
     - iii. Marine planning section
     - iv. Human dimension section
     - v. Protected Species
   - C. Data Integration Chapter and Workshop
   - D. 2017 Annual Report Region Wide Improvements
3. Public Comment

Tuesday, May 15, 2018 and Wednesday, May 16, 2018, 8:30 a.m.

4. Pelagics Fishery Ecosystem Plan Council Actions for 2018
   - A. American Samoa Large Vessel Prohibited Area
   - B. Amendment 7 Framework Modification
   - C. Hawaii Shallow-set Longline Fishery Turtle Management Framework
5. Seabird Interactions in the Hawaii Longline Fishery
   - A. Albatross Workshop Report
   - B. Proposed Changes to Seabird Mitigation Measures from NMFS PIRO Observer Program
6. Protected Species Handling Requirements and Guidelines
7. Other Business
8. Public Comment
9. Pelagic Plan Team Recommendations

The order in which the agenda items are addressed may change. The PPT will meet as late as necessary to complete scheduled business. The meeting will end when the agenda has been completed.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: April 19, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–08495 Filed 4–23–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG180

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Social Science Planning Team will meet May 8, 2018 through May 9, 2018.

DATES: The meeting will be held on Tuesday, May 8, 2018 through Wednesday, May 9, 2018, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Hilton Hotel in the Birch/Willow Room, 500 W 3rd Ave., Anchorage, AK 99501.

Council address: North Pacific Fishery Management Council, 605 W 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Sarah Marrinan, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, May 8, 2018 Through Wednesday, May 9, 2018

The meeting agenda includes review and presentation on existing socio-economic data and information sources that can inform fisheries management in Federal fisheries off of Alaska. This will include a discussion of the availability of subsistence information, use of existing data collections (such as Economic Data Reports), and the Alaska Fishery Science Center skipper survey, and current Alaska Fishery Science Center funding proposals.

The team will also discuss data gaps and consider long term strategies for prioritizing and filling these data gaps. This part of the agenda will include a presentation of a socio-economic gap analysis, discussion of past critiques from the Council's Scientific and Statistical Committee on information deficiencies in Council documents, discussion of current Council informational needs, and a facilitated discussion of the role of Local and Traditional Knowledge/Traditional Ecological Knowledge and citizen science information into science and management.

The Agenda is subject to change, and the latest version will be posted at *https://www.npfmc.org/committees/social-science-planning-team/*

Public Comment

Public comment letters will be accepted and should be submitted either electronically to Sarah Marrinan, Council staff: *sarah.marrinan@noaa.gov* or through the mail: North Pacific Fishery Management Council, 605 W 4th Ave., Suite 306, Anchorage, AK 99501–2252. In-person oral public testimony will be accepted at the discretion of the chair.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: April 19, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–08497 Filed 4–23–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG185

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Electronic Monitoring Workgroup (EMWG) will hold a public meeting on May 15, 2018.

DATES: The meeting will be held on Tuesday, May 15, 2018, from 8:15 a.m. to 5:30 p.m.

ADDRESSES: The meeting will be held in the Traynor Room, Building 4 at the Alaska Fisheries Science Center, 7700 Sand Point Way NE, Seattle, WA 98115. Teleconference available upon request.

Council address: North Pacific Fishery Management Council, 605 W 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Elizabeth Figus, Council staff; telephone: (907)–271–2801.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, May 15, 2018

The first half of the day is expected to focus on discussing the fixed gear EM program, including: (a) Budget and funding; (b) coordination of funding sources; (c) an update on 2018 EM implementation; (d) updates about progress on pot gear issues; and, (e) discussion about the future of fixed gear implementation. The second half of the day will focus on the trawl EM program, including: (f) An overview of EM Workgroup cooperative approach; (g) summary of ongoing work relevant to trawl; (h) funding issues; (i) trawl EM objectives; (j) developing a workplan and timing for future EMWG meetings; and, (k) a discussion of scheduling and other issues. The Agenda is subject to change, and the latest version will be posted at *http://www.npfmc.org/observer-program/*.

Public Comment

Public comment letters will be accepted and should be submitted either electronically to Elizabeth Figus, Council staff: *Elizabeth.figus@noaa.gov* or through the mail: North Pacific Fishery Management Council, 605 W 4th Ave., Suite 306, Anchorage, AK 99501–2252. In-person oral public testimony will be accepted at the discretion of the chair.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason

at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: April 19, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–08501 Filed 4–23–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG188

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of meeting of the South Atlantic Fishery Management Council's (Council) Habitat Protection and Ecosystem-Based Management (Habitat) Advisory Panel (AP).

SUMMARY: The South Atlantic Fishery Management Council will hold a meeting of its Habitat AP in North Charleston, SC. The meeting is open to the public.

DATES: The meeting will be held on Tuesday, May 15, 2018, from 9 a.m. to 4 p.m. Wednesday, May 16, 2018, from 9 a.m. to 4 p.m.

ADDRESSES:

Meeting address: The meeting will be held at the Crowne Plaza, 4831 Tanger Outlet Blvd., Charleston, SC 29418; phone: (843) 744–4422.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC, 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC, 29405; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net*.

SUPPLEMENTARY INFORMATION:

Items to be addressed or sessions to be conducted during this meeting include: Fishery Ecosystem Plan (FEP) II Dashboard, FEP II Implementation Plan and Roadmap, and links and tools; policy/threat matrix development; renewable energy development; NOAA Fisheries Ecosystem activities (developing South Atlantic Ecosystem Status Report and Regional Action Plan for Climate); ocean observing needs; habitat conservation in fishery management plans; marine aquaculture; and regulation adjustments.

Members of the AP will discuss items and provide recommendations as appropriate.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Dated: April 19, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–08503 Filed 4–23–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG187

Fisheries of the South Atlantic, Gulf of Mexico, and Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The SEDAR Steering Committee will meet to discuss the SEDAR process and assessment schedule. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR Steering Committee will meet Monday, May 14, 2018, from 1 p.m. until 6 p.m. and Tuesday, May 15, 2018, from 8:30 a.m. until 3 p.m.

ADDRESSES: The Steering Committee meeting will be held at the Crowne Plaza Charleston Airport, 4831 Tanger Outlet Boulevard, North Charleston, SC 29418; (843) 744–4422.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405; *www.sedarweb.org*.

FOR FURTHER INFORMATION CONTACT: John Carmichael, Deputy Executive Director, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *john.carmichael@safmc.net*.

SUPPLEMENTARY INFORMATION: The items of discussion are as follows:

1. SEDAR development and evolution
2. Future SEDAR approaches and process
3. SEDAR current projects report
4. SEDAR future projects schedule

The Committee will discuss the agenda items and take action as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 3 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: April 19, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–08502 Filed 4–23–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG179

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Crab Plan Team (CPT) will meet May 8, 2018 through May 10, 2018.

DATES: The meeting will be held on Tuesday, May 8, 2018 through Thursday, May 10, 2018, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Hilton Hotel in the Aspen/Spruce

Room, 500 W 3rd Ave., Anchorage, AK 99501.

Council address: North Pacific Fishery Management Council, 605 W 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Diana Stram, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, May 8, 2018 Through Thursday, May 10, 2018

The CPT will review and make recommendations on: Aleutian Island golden king crab (AIGKC) final stock assessment, including OFL and ABC recommendations, Research Priorities, Crab bycatch data implications in assessments, Terminal year retrospective analysis, Dynamic B0 calculation, Status of PIBKC assessment timing, Additional issues with Stock Prioritization, Norton Sound red king crab commercial and subsistence fisheries overview and review of observer program data and Tier 3 considerations for the stock; and model scenarios for 2018 assessments for Bristol Bay red king crab, Tanner crab, snow crab and Saint Matthew blue king crab.

The Agenda is subject to change, and the latest version will be posted at *http://www.npfmc.org/*.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: April 19, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–08496 Filed 4–23–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Ocean Exploration Advisory Board (OEAB) Public Meeting of the Ocean Exploration Advisory Board

AGENCY: Office of Ocean Exploration and Research (OER), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Ocean Exploration Advisory Board (OEAB). OEAB members will discuss and provide advice on Federal ocean exploration programs, with a particular emphasis National Oceanographic and Atmospheric Administration (NOAA) leadership priorities and how they align with a national ocean exploration program. Other topics will include implementation of the President's Executive Order on a Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals; other federal agency activity in support of this executive order; NOAA Office of Ocean Exploration and Research (OER) activities; and other matters as described in the agenda found on the OEAB website at *http://oeab.noaa.gov*.

DATES: The announced meeting is scheduled for Wednesday, May 16, 2018 from 9:00 a.m. to 5:00 p.m. EDT and Thursday, May 17, 2018 from 9:00 to 5:00 p.m. EDT.

ADDRESSES: The meeting will be held at the Morrison-Clark Historic Inn at 1011 L Street NW, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Mr. David McKinnie, Designated Federal Officer, Ocean Exploration Advisory Board, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Seattle, WA 98115, (206) 526–6950.

SUPPLEMENTARY INFORMATION: NOAA established the OEAB under the Federal Advisory Committee Act (FACA) and legislation that gives the agency statutory authority to operate an ocean exploration program and to coordinate a national program of ocean exploration. The OEAB advises NOAA leadership on strategic planning, exploration priorities, competitive ocean exploration grant programs and other matters as the NOAA Administrator requests.

OEAB members represent government agencies, the private sector, academic institutions, and not-for-profit institutions involved in all facets of ocean exploration—from advanced technology to citizen exploration.

In addition to advising NOAA leadership, NOAA expects the OEAB to help to define and develop a national program of ocean exploration—a network of stakeholders and partnerships advancing national priorities for ocean exploration.

Status: The meeting will be open to the public with a 15-minute public comment period on Wednesday, May 16, 2018 from 11:45 a.m. to 12:00 p.m. EDT (please check the final agenda on the website to confirm the time). The public may listen to the meeting and provide comments during the public comment period via teleconference. Dial-in information may be found on the meeting agenda posted to the OEAB website.

The OEAB expects that public statements at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to three minutes. The Designated Federal Officer must receive written comments by May 1, 2018 to provide sufficient time for OEAB review. Written comments received after May 1, 2018 will be distributed to the OEAB but may not be reviewed prior to the meeting date. Seats will be available on a first-come, first-served basis.

Special Accommodations: These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to David McKinnie, Designated Federal Officer (see below) by May 1, 2018.

Dated: April 13, 2018.

David Holst,

Chief Financial Officer/Chief Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2018–08523 Filed 4–23–18; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket DARS–2018–0003; OMB Control Number 0704–0533]

Submission for OMB Review; Comment Request

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by May 24, 2018.

SUPPLEMENTARY INFORMATION:

Title, Associated Forms, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 249, Termination of Contracts, and a Related Clause at DFARS 252.249–7002,

Notification of Anticipated Contract termination or Reduction; OMB Control Number 0704–0533.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Type of Request: Renewal of a currently approved collection.

Reporting Frequency: On occasion.

Number of Respondents: 42.

Responses per Respondent: 6.19, approximately.

Annual Responses: 260.

Average Burden per Response: .74 hours.

Annual Burden Hours: 193.

Needs and Uses: DFARS clause 252.249–7002, Notification of Anticipated Contract termination or Reduction, is used in all contracts under a major defense program. The purpose of this requirement is to help establish benefit eligibility under the Job Training Partnership Act (29 U.S.C. 1661 and 1662) for employees of DoD contractors and subcontractors adversely affected by contract termination or substantial reductions under major defense programs.

OMB Desk Officer: Ms. Jasmeet Seehra.

Comments and recommendations on the proposed information collection should be sent to Ms. Jasmeet Seehra, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments, identified by docket number and title, by the following method:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

DoD Clearance Officer: Mr. Frederick C. Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at: WHS/ESD Directives Division, 4800 Mark Center Drive, 2nd Floor, East Tower, Suite 03F09, Alexandria, VA 22350–3100.

Jennifer Lee Hawes,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2018–08552 Filed 4–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket DARS–2018–0023]

DoD Guidance for Reviewing System Security Plans and the NIST SP 800–171 Security Requirements Not Yet Implemented

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comment.

SUMMARY: DoD has drafted guidance for procurements requiring implementation of National Institute of Standards and Technology (NIST) Special Publication (SP) 800–171, Protecting Controlled Unclassified Information in Nonfederal Systems and Organizations, and is making the draft guidance available to the public.

DATES: Comments are due by May 31, 2018.

ADDRESSES: You may submit comments, identified by docket DARS–2018–0023, by any of the following methods:

○ *Federal eRulemaking Portal: http://www.regulations.gov.* Search for ''DARS–2018–0023.'' Select ''Comment Now'' and follow the instructions provided to submit a comment. Please include ''DARS–2018–0023'' on any attached documents.

○ *Mail:* Defense Procurement and Acquisition Policy, Attn: Ms. Mary Thomas, OUSD(A&S) DPAP/PDI, Room 3C958, 3060 Defense Pentagon, Washington, DC 20301–3060.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Thomas, DPAP/PDI, at *mary.s.thomas.civ@mail.mil* or by mail at: Defense Procurement and Acquisition Policy, Attn: Ms. Mary Thomas, OUSD(A&S) DPAP/PDI, Room 3C958, 3060 Defense Pentagon, Washington, DC 20301–3060.

SUPPLEMENTARY INFORMATION:

The Defense Federal Acquisition Regulation Supplement clause 252.204–7012, Safeguarding Covered Defense Information and Cyber Incident Reporting, requires contractors to provide ''adequate security'' for ''covered defense information'' that is processed, stored, or transmitted on the contractor's internal information system or network. To provide adequate security, the contractor must, at a minimum, implement NIST SP 800–171, ''Protecting Controlled Unclassified Information in Nonfederal Systems and Organizations.'' NIST SP 800–171 states that in order to demonstrate implementation or planned implementation of the security requirements in NIST SP 800–171, nonfederal organizations should describe in a System Security Plan how the specified security requirements are met, or how organizations plan to meet the requirements, and should develop plans of action that describe how any unimplemented security requirements will be met and how any planned mitigations will be implemented. NIST SP 800–171 further states that, when requested, the System Security Plan and any associated Plans of Action for any planned implementations or mitigations should be submitted to the responsible Federal agency/contracting officer to demonstrate the nonfederal organization's implementation or planned implementation of the security requirements.

DoD developed the document ''DoD Guidance for Reviewing System Security Plans and the NIST SP 800–171 Security Requirements Not Yet Implemented'' to facilitate the consistent review and understanding of System Security Plans and Plans of Action, the impact that NIST SP 800–171 Security Requirements that are ''not yet implemented'' have on an information system, and to assist in prioritizing the implementation of security requirements not yet implemented. The document ''Assessing the State of a Contractor's Internal Information System in a Procurement Action'' illustrates how ''DoD Guidance for Reviewing System Security Plans and the NIST SP 800–171 Security Requirements Not Yet Implemented'' may be used during a procurement for which DoD must assess the state of a contractor's internal information system.

''DoD Guidance for Reviewing System Security Plans and the NIST SP 800–171 Security Requirements Not Yet Implemented'' provides a ''DoD Value'' to assess the risk that a security requirement left unimplemented has on an information system, to assess the risk of a security requirement with an identified deficiency, and to address the priority for which an unimplemented requirement should be implemented. The guidance also addresses the method(s) to implement the security requirements, and, when applicable, provides clarifying information for security requirements that are frequently misunderstood.

The matrix ''Assessing the State of a Contractor's Internal Information System in a Procurement Action'' is provided to illustrate how DoD may choose to assess submitted System Security Plans and Plans of Action in procurement actions that require the implementation of NIST SP 800–171.

To access the documents entitled ''DoD Guidance for Reviewing System Security Plans and the NIST SP 800–171 Security Requirements Not Yet Implemented'' and ''Assessing the State of a Contractor's Internal Information System in a Procurement Action,'' go to the Federal eRulemaking Portal at *www.regulations.gov,* search for the docket ''DARS–2018–0023'' click ''Open Docket,'' and view ''Supporting Documents.''

Jennifer Lee Hawes,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2018–08554 Filed 4–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–OS–0021]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary of Defense, Department of Defense.

ACTION: Notice of a modified system of records.

SUMMARY: The Office of the Secretary of Defense (OSD) proposes to modify a system of records notice entitled GlobalNET Outreach and Collaboration Platform, DSCA 02. This system is a web based technology solution that provides the Regional Center for Security Studies and Defense Security Cooperation Agency (DSCA) with a procedure to improve international outreach efforts as well as foster collaboration among their faculty, current and former students, OSD, and other designated Department of Defense (DoD) educational institutions and communities. The GlobalNET platform provides a collaborative social networking environment/capability for students, alumni, faculty, partners, and other community members.

DATES: Comments will be accepted on or before May 24, 2018. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.*

Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Luz D. Ortiz, Chief, Records, Privacy and Declassification Division (RPDD), 1155 Defense Pentagon, Washington, DC 20301–1155, or by phone at (571) 372–0478.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense proposes to modify a system of records subject to the Privacy Act of 1974, 5 U.S.C. 552a. The GlobalNET Outreach and Collaboration Platform (DSCA 02) is a web based information technology platform to improve international partner outreach and collaboration efforts in a federated environment. The system collects information on students in order to allow them to share information with peers, faculty, and regional center personnel. GlobalNET is the official DSCA system for performing alumni outreach, facilitating alumnus/professor communication and peer-to-peer communications (or social networking).

As a result of reviewing this system of records notice, the DSCA proposes to modify this system by updating the following sections: Categories of individuals, categories of records, authorities, routine uses, retention and disposal, notification procedure, record access procedures, and record source categories. This notice also reflects changes to ensure compliance with Office of Management and Budget Circular A–108.

The OSD notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Division website at *https://defense.gov/privacy.*

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on February 27, 2018 to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB).

Dated: April 18, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER

GlobalNET Outreach and Collaboration Platform, DSCA 02.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Amazon Web Services, LLC, 13461 Sunrise Valley Drive, Herndon, VA 20171–3283.

GlobalNET Program Manager, Defense Security Cooperation Agency, ATTN: PGM/CMO, 201 12th Street S, Suite 203, Arlington, VA 22202–5408.

SYSTEM MANAGER(S):

GlobalNET Program Manager, Defense Security Cooperation Agency, ATTN: PGM/CMO, 201 12th Street S, Suite 203, Arlington, VA 22202–5408.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 134, Under Secretary of Defense for Policy; Department of Defense (DoD) Directive (DoDD) 5101.1, DoD Executive Agent; DoDD 5105.65, Defense Security Cooperation Agency (DSCA); DoDD 5132.03, DoD Policy and Responsibilities Relating to Security Cooperation; and DoDD 5200.41, DoD Regional Centers for Security Studies.

PURPOSE(S) OF THE SYSTEM:

This system is a technology solution that provides the Regional Center for Security Studies and Defense Security Cooperation Agency (DSCA) with a methodology to improve international outreach efforts as well as foster collaboration among their faculty, current and former students, OSD, and other designated Department of Defense (DoD) educational institutions and communities as required. The primary purpose of GlobalNET platform is to provide a collaborative social networking environment/capability for students, alumni, faculty, partners, and other community members.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DoD Military and civilian employees, military students, alumni, contractors, systems integrators, and subject matter experts who interact with DoD educational institutions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, country of residence, nationality, rank, email addresses,

telephone numbers, month/year of attendance and course subjects, and biographic information such as subject matter expertise, background, and education.

RECORD SOURCE CATEGORIES:

From the individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3):

a. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the DoD when necessary to accomplish an agency function related to this system of records.

b. To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

c. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.

d. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

e. To the National Archives and Records Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

f. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

g. To appropriate agencies, entities, and persons when (1) the DoD suspects or has confirmed that there has been a breach of the system of records; (2) the DoD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

h. To another Federal agency or Federal entity, when the DoD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

These electronic records are stored on secure servers with access controlled, access restricted by the use of logon, password, and/or card swipe protocols.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

These records may be retrieved by participant name, email address, subject matter expertise, month/year of attendance, and course subject.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

These records are retained and disposed of consistent with the National Archives and Records Administration approved Records Disposition Schedules. These records are destroyed or deleted 3 years after a user requests account termination or inactivity; or when information posted is superseded.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access is limited to those individuals with a need to know in order to perform official and assigned duties. Physical access is limited through the use of locks, guards, card swipe, and other administrative procedures. The electronic records are housed on systems with access restricted by the use of login, password, and/or card swipe protocols. Users are warned through screen log-on, protocols and/or in briefings of the consequences of improper access or use of the data. The web-based files are encrypted in accordance with approved information assurance protocols. The user can also restrict access to personal data by selecting which type of information is available to members, friends, or others.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Office of the Secretary of Defense/Joint Staff, Freedom of Information Act Requester Service Center, 1155 Defense Pentagon, Washington, DC 20301–1155.

Signed, written requests should include the full name, current address and telephone number, and the name and number of this system of records notice.

In addition, the requester must provide either a notarized signature or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 310; or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to GlobalNET Program Manager, Defense Security Cooperation Agency, ATTN: STR/TNG, 201 12th Street S, Suite 203, Arlington, VA 22202–5408.

Signed, written requests should include the full name, current address and telephone number, and the name and number of this system of records notice.

In addition, the requester must provide either a notarized signature or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

April 12, 2012 77 FR 21973; March 7, 2007, 72 FR 10180

[FR Doc. 2018–08451 Filed 4–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0046]

Agency Information Collection Activities; Comment Request; Magnet Schools Assistance Program-Government Performance and Results Act (GPRA) Table Form

AGENCY: Office of Innovation and Improvement (OII), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before June 25, 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–0046. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216-44, Washington, DC 20202-4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Justis Tuia, 202–453–6654.

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: Magnet Schools Assistance Program—Government Performance and Results Act (GPRA) Table Form.

OMB Control Number: 1855–0025.

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

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

Total Estimated Number of Annual Responses: 116.

Total Estimated Number of Annual Burden Hours: 58.

Abstract: The collection of this information is part of the government-wide effort to improve the performance and accountability of all federal programs, under the Government Performance and Results Act (GPRA) passed in 1993, the Uniform Guidance, and EDGAR. Under GPRA, a process for using performance indicators to set program performance goals and to measure and report program results was established. To implement GPRA, ED developed GPRA measures at every program level to quantify and report program progress required by the Elementary and Secondary Education Act of 1965, as amended. Under the Uniform Guidance and EDGAR, recipients of federal awards are required to submit performance and financial expenditure information. The GPRA program level measures and budget information for the Magnet Schools Assistance Program (MSAP) are reported in the Annual Performance Report (APR). The APR is required under 2 CFR 200.328 and 34 CFR 75.118 and 75.590. The annual report provides data on the status of the funded project that corresponds to the scope and objectives established in the approved application and any amendments. To ensure that accurate and reliable data are reported to Congress on program implementation and performance outcomes, the MSAP APR collects the raw data from grantees in a consistent format to calculate these data in the aggregate.

Dated: April 19, 2018.

Tomakie Washington,

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

[FR Doc. 2018–08547 Filed 4–23–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, May 16, 2018 4:00 p.m.

ADDRESSES: Frank H. Rogers Science and Technology Building, 755 East Flamingo, Las Vegas, Nevada 89119.

FOR FURTHER INFORMATION CONTACT: Barbara Ulmer, Board Administrator, 232 Energy Way, M/S 167, North Las Vegas, Nevada 89030. Phone: (702) 630–0522; Fax (702) 295–2025 or Email: *NSSAB@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Briefing for Location of Monitoring Well at Area 5 Radioactive Waste Management Complex at the Nevada National Security Site—Work Plan Item #4

Public Participation: The EM SSAB, Nevada, welcomes the attendance of the

public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Barbara Ulmer at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Barbara Ulmer at the telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments can do so during the 15 minutes allotted for public comments.

Minutes: Minutes will be available by writing to Barbara Ulmer at the address listed above or at the following website: *http://www.nnss.gov/NSSAB/pages/MM_FY18.html.*

Issued at Washington, DC, on April 19, 2018.

Latanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–08544 Filed 4–23–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Conservation Program for Consumer Products: Representative Average Unit Costs of Energy

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice.

SUMMARY: In this notice, the U.S. Department of Energy (DOE) is forecasting the representative average unit costs of five residential energy sources for the year 2018 pursuant to the Energy Policy and Conservation Act (Act). The five sources are electricity, natural gas, No. 2 heating oil, propane, and kerosene.

DATES: The representative average unit costs of energy contained in this notice will become effective May 24, 2018 and will remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT:

John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy Forrestal Building, Mail Station EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121, (202) 287–1692, *ApplianceStandardsQuestions@ee.doe.gov.*

Francine Pinto, Esq. U.S. Department of Energy, Office of General Counsel Forrestal Building, Mail Station GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0103, (202) 586–7432, *Francine.Pinto@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: Section 323 of the Energy Policy and Conservation Act requires that DOE prescribe test procedures for the measurement of the estimated annual operating costs or other measures of energy consumption for certain consumer products specified in the Act. (42 U.S.C. 6293(b)(3)) These test procedures are found in Title 10 of the Code of Federal Regulations (CFR) part 430, subpart B.

Section 323(b)(3) of the Act requires that the estimated annual operating costs of a covered product be calculated from measurements of energy use in a representative average use cycle or period of use and from representative average unit costs of the energy needed to operate such product during such cycle. (42 U.S.C. 6293(b)(3)) The section further requires that DOE provide information to manufacturers regarding the representative average unit costs of energy. (42 U.S.C. 6293(b)(4)) This cost information should be used by manufacturers to meet their obligations under section 323(c) of the Act. Most notably, these costs are used to comply with Federal Trade Commission (FTC) requirements for labeling. Manufacturers are required to use the revised DOE representative average unit costs when the FTC publishes new ranges of comparability for specific covered products, 16 CFR part 305. Interested parties can also find information covering the FTC labeling requirements at *http://www.ftc.gov/appliances.*

DOE last published representative average unit costs of residential energy in a **Federal Register** notice entitled, ''Energy Conservation Program for Consumer Products: Representative Average Unit Costs of Energy'', dated May 5, 2017, 82 FR 21213.

On May 24, 2018, the cost figures published in this notice will become effective and supersede those cost figures published on May 5, 2017. The cost figures set forth in this notice will be effective until further notice.

DOE's Energy Information Administration (EIA) has developed the 2018 representative average unit after-tax residential costs found in this notice. These costs for electricity, natural gas, No. 2 heating oil, and propane are based on simulations used to produce the April 2018, EIA *Short-Term Energy Outlook* (EIA releases the *Outlook* monthly). The representative average unit after-tax cost for kerosene is derived from its price relative to that of heating oil, based on the 2010-to 2013 averages of the U.S. refiner price to end users, which include all the major energy-consuming sectors in the U.S. for these fuels. The source for these price data is the April 2018, *Monthly Energy Review* DOE/EIA–0035(2018/03). The representative average unit after-tax cost for propane is derived from its price relative to that of heating oil, based on the 2018 averages of the U.S. residential sector prices found in the *Annual Energy Outlook 2018,* AEO2018 (February 6, 2018). The *Short-Term Energy Outlook,* the *Monthly Energy Review,* and the *Annual Energy Outlook* are available on the EIA website at *http://www.eia.doe.gov.* For more information on the data sources used in this Notice, contact the National Energy Information Center, Forrestal Building, EI–30, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–8800, email: *infoctr@eia.doe.gov.*

The 2018 representative average unit costs under section 323(b)(4) of the Act are set forth in Table 1, and will become effective May 24, 2018. They will remain in effect until further notice.

Issued in Washington, DC, on April 16, 2018.

Daniel R Simmons,

Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.

TABLE 1—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (2018)

Type of energy	Per million Btu [1]	In commonly used terms	As required by test procedure
Electricity	$38.66	13.2¢/kWh [2]	$0.132/kWh.
Natural Gas	10.22	1.022/therm [4] or $10.55/MCF [5 6]	0.00001022/Btu.
No. 2 Heating Oil	20.66	2.84/gallon [7]	0.00002066/Btu.
Propane	17.92	1.64/gallon [8]	0.00001792/Btu.

TABLE 1—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (2018)—Continued

Type of energy	Per million Btu [1]	In commonly used terms	As required by test procedure
Kerosene	24.47	3.30/gallon [9]	0.00002447/Btu.

SOURCES: U.S. Energy Information Administration, *Short-Term Energy Outlook* (April 10, 2018), *Annual Energy Outlook* (February 6, 2018), and *Monthly Energy Review* (March 27, 2018).

NOTES: Prices include taxes.
1. Btu stands for British thermal units.
2. kWh stands for kilowatt hour.
3. 1 kWh = 3,412 Btu.
4. 1 therm = 100,000 Btu.
5. MCF stands for 1,000 cubic feet.
6. For the purposes of this table, one cubic foot of natural gas has an energy equivalence of 1,032 Btu.
7. For the purposes of this table, one gallon of No. 2 heating oil has an energy equivalence of 137,473 Btu.
8. For the purposes of this table, one gallon of liquid propane has an energy equivalence of 91,333 Btu.
9. For the purposes of this table, one gallon of kerosene has an energy equivalence of 135,000 Btu.

[FR Doc. 2018–08519 Filed 4–23–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Portsmouth

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, May 10, 2018 6:00 p.m.

ADDRESSES: Ohio State University, Endeavor Center, 1862 Shyville Road, Piketon, Ohio 45661.

FOR FURTHER INFORMATION CONTACT: Greg Simonton, Alternate Deputy Designated Federal Officer, Department of Energy Portsmouth/Paducah Project Office, Post Office Box 700, Piketon, Ohio 45661, (740) 897–3737, *Greg.Simonton@lex.doe.gov*.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda

- Call to Order, Introductions, Review of Agenda
- Approval of March 2018 Minutes
- Deputy Designated Federal Officer's Comments
- Federal Coordinator's Comments
- Liaison's Comments
- Presentation
- Administrative Issues
- Subcommittee Updates
- Public Comments
- Final Comments from the Board
- Adjourn

Public Participation: The meeting is open to the public. The EM SSAB, Portsmouth, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Greg Simonton at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Greg Simonton at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Greg Simonton at the address and phone number listed above. Minutes will also be available at the following website: *http://www.ports-ssab.energy.gov/index.html*.

Issued at Washington, DC, on April 19, 2018.

Latanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–08542 Filed 4–23–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Notice of Orders Issued Under Section 3 of the Natural Gas Act During February 2018

	FE Docket Nos.
Fourchon LNG LLC	17–105–LNG
Prometheus Energy Group, Inc.	18–24–LNG
Tranasia Global LNG LLC	18–23–LNG
Socco, Inc.	18–25–NG
NJR Energy Services Company.	18–28–NG
NFEnergia LLC	18–29–LNG
National Fuel Resources, Inc.	18–31–NG
Sequent Energy Management, L.P..	18–34–NG
Merrill Lynch Commodities Canada, ULC.	18–33–NG
Golden Pass Products LLC	12–156–LNG
Magnolia LNG, LLC	13–132–LNG

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during March 2018, it issued orders granting authority to import and export natural gas, and to import and export liquefied natural gas (LNG), and an opinion and order granting motion for leave to answer request for rehearing and denying request for rehearing. These orders are summarized in the attached appendix and may be found on the FE website at *https://www.energy.gov/fe/downloads/listing-doefe-authorizationsorders-issued-2018-1*. They are also available for inspection and copying in the U.S. Department of Energy (FE–34), Division of Natural Gas Regulation, Office of Regulation and International Engagement, Office of Fossil Energy, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9478. The Docket Room is

open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on April 18, 2018.

Amy Sweeney,

Director, Division of Natural Gas Regulation.

Appendix

DOE/FE ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS

4162	03/11/18	17–105–LNG	Fourchon LNG LLC	Order 4162 granting Long-term, Multi-contract authority to export LNG by vessel from the proposed Fourchon LNG Facility in LaFourche Parish, Louisiana, to Free Trade Agreement Nations.
4163	03/12/18	18–24–LNG	Prometheus Energy Group, Inc	Order 4163 granting blanket authority to import and export LNG from/to Canada/Mexico by truck.
4164	03/14/18	18–23–LNG	TranAsia Global LNG LLC	Order 4164 granting blanket authority to export LNG to Canada/Mexico by truck.
4165	03/14/18	18–25–NG	Socco, Inc	Order 4165 granting blanket authority to import natural gas from Canada.
4166	03/20/18	18–28–NG	NJR Energy Services Company	Order 4166 granting blanket authority to import/export natural gas from/to Canada.
4167	03/26/18	18–29–LNG	NFEnergia LLC	Order 4155 granting blanket authority to import LNG from various international sources by vessel.
4168	03/30/18	18–31–NG	National Fuel Resources, Inc	Order 4168 granting blanket authority to import/export natural gas from/to Canada.
4169	03/30/18	18–34–NG	Sequent Energy Management, L.P	Order 4169 granting blanket authority to import/export natural gas from/to Canada.
4170	03/30/18	18–33–NG	Merrill Lynch Commodities Canada, ULC	Order 4170 granting blanket authority to export natural gas to Canada.
3978–A	03/30/18	12–156–LNG	Golden Pass Products LLC	Opinion and Order 3978–A granting Motion for Leave to Answer Request for Rehearing and Denying Request for Rehearing.
3909–A	03/30/18	13–132–LNG	Magnolia LNG, LLC	Opinion and Order 3978–A granting Motion for Leave to Answer Request for Rehearing and Denying Request for Rehearing.

[FR Doc. 2018–08433 Filed 4–23–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River Site

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES:

Monday, May 14, 2018 1:00 p.m.–5:00 p.m.

Tuesday, May 15, 2018 9:00 a.m.–5:00 p.m.

ADDRESSES: Hyatt Regency, 2 West Bay Street, Savannah, GA 31401.

FOR FURTHER INFORMATION CONTACT: Amy Boyette, Office of External Affairs, Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, SC 29802; Phone: (803) 952–6120.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

Monday, May 14, 2018

Opening, Chair Update, and Agenda Review
Agency Updates
Break
Administrative & Outreach Committee Update
Facilities Disposition & Site Remediation Committee Update
Nuclear Materials Committee Update
Strategic & Legacy Management Committee Update
Waste Management Committee Update
Discussion of Draft Recommendations:
- Budget
- Pension
- Scope

Public Comments
Meeting Action Follow-up
Recess

Tuesday, May 15, 2018

Reconvene
Agenda Review
Presentations:
- Recruitment and Retention
- Final Approved Federal Facility Agreement Appendix E

Lunch Break
Presentations:
- Spent Nuclear Fuel Disposition Strategy
- DOE-Savannah River Budget and Process

Break
Presentations:
- Liquid Waste Fiscal Year 2019 President's Budget
- Natural Resources Management

Public Comments
Voting:
- Budget, Pension and Scope Recommendations

Adjourn

Public Participation: The EM SSAB, Savannah River Site, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Amy Boyette at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Amy Boyette's office at the address or telephone listed above. Requests must be received five days

prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Amy Boyette at the address or phone number listed above. Minutes will also be available at the following website: *http://cab.srs.gov/srs-cab.html.*

Issued at Washington, DC, on April 19, 2018.

Latanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–08545 Filed 4–23–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Advisory Board Meeting

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Advisory Board (EMAB). The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, May 16, 2018 9:00 a.m.–4:30 p.m.

ADDRESSES: U.S. Department of Energy, Room 5E–069, 1000 Independence Ave. SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Jennifer McCloskey, Federal Coordinator, EMAB (EM–4.3), U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585. Phone (301) 903–7427; fax (202) 586–0293 or email: *jennifer.mccloskey@em.doe.gov*.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of EMAB is to provide the Assistant Secretary for Environmental Management (EM) with advice and recommendations on corporate issues confronting the EM program. EMAB contributes to the effective operation of the program by providing individual citizens and representatives of interested groups an opportunity to present their views on issues facing EM and by helping to secure consensus recommendations on those issues.

Tentative Agenda Topics

- Opening Remarks
- EM Program Updates
- Regulatory Reform
- Board Business

Public Participation: EMAB welcomes the attendance of the public at its advisory committee meetings. Individuals who would like to attend must RSVP to Jennifer McCloskey at the phone number or email address listed above. Please provide your name, organization, citizenship, and contact information no later than 5:00 p.m. on Wednesday, May 9, 2018. Anyone attending the meeting will be required to present government-issued identification. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda should contact Jennifer McCloskey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Jennifer McCloskey at the address or phone number listed above. Minutes will also be available at the following website: *http://energy.gov/em/services/communication-engagement/environmental-management-advisory-board-emab*.

Issued at Washington, DC, on April 19, 2018.

Latanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–08543 Filed 4–23–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

U.S. Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), U.S. Department of Energy (DOE).

ACTION: Notice and request for comments.

SUMMARY: EIA is requesting a three-year extension, without changes, of Form NWPA–830G *Appendix G—Standard Remittance Advice for Payment of Fees,* including Annex A to Appendix G, as required by the Paperwork Reduction Act of 1995. Form NWPA–830G is part of the Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste. Generators and owners of spent nuclear fuel and high-level radioactive waste of domestic origin paid fees into the nuclear waste fund based on net electricity generated and sold as defined in the Standard Contract.

DATES: Comments regarding this proposed information collection must be received on or before June 25, 2018. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Send your comments to: U.S. Energy Information Administration, Office of Electricity, Coal, Nuclear, and Renewables Analysis, EI–34, U.S. Department of Energy, 1000 Independence Ave. SW, Washington, DC 20585, Attn: Marta Gospodarczyk.

If you prefer, you can email them to: *marta.gospodarczyk@eia.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of any forms and instructions should be directed to Ms. Gospodarczyk at 202–586–0527 or at: *marta.gospodarczyk@eia.gov*. The Form NWPA–830G, ''Appendix G—Standard Remittance Advice for Payment of Fees,'' including Annex A to Appendix G, may also be viewed here: *http://www.eia.gov/survey/#nwpa-830g*.

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.* 1901–0260;

(2) *Information Collection Request Title:* Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste;

(3) *Type of Request:* Three-year extension;

(4) *Purpose:* The Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*) and the DOE Organization Act (42 U.S.C. 7101 *et seq.*) require EIA to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer term domestic demands.

As part of its effort to comply with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), EIA provides the general public and other federal agencies with opportunities to comment

on collections of energy information conducted by or in conjunction with EIA. Also, EIA will later seek approval for this collection by OMB under Section 3507(a) of the Paperwork Reduction Act of 1995.

The Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 *et seq.*) required that DOE enter into Standard Contracts with all generators or owners of spent nuclear fuel and high-level radioactive waste of domestic origin. Form NWPA–830G *Appendix G—Standard Remittance Advice for Payment of Fees,* including Annex A to Appendix G, is an Appendix to this Standard Contract. Appendix G and Annex A to Appendix G are commonly referred to as Remittance Advice (RA) forms. RA forms must be submitted quarterly by generators and owners of spent nuclear fuel and high-level radioactive waste of domestic origin who signed the Standard Contract. Appendix G is designed to serve as the source document for entries into DOE accounting records to transmit data to DOE concerning payment of fees into the Nuclear Waste Fund for spent nuclear fuel and high-level waste disposal. Annex A to Appendix G is used to provide data on the amount of net electricity generated and sold, upon which these fees are based.

Please refer to the proposed forms and instructions for more information about the purpose, who must report, when to report, where to submit, the elements to be reported, detailed instructions, provisions for confidentiality, and uses (including possible non-statistical uses) of the information. For instructions on obtaining materials, see the **FOR FURTHER INFORMATION CONTACT** section.

(5) *Annual Estimated Number of Respondents:* 99;

(6) *Annual Estimated Number of Total Responses:* 396;

(7) *Annual Estimated Number of Burden Hours:* 1,980;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* EIA estimates that there are no additional costs to respondents associated with the surveys other than the costs associated with the burden hours. The information is maintained in the normal course of business. The cost of burden hours to the respondents is estimated to be $149,866 ($75.69 per hour times 1,980 hours). Other than the cost of burden hours, EIA estimates that there are no additional costs for generating, maintaining and providing the information.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden 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 respondents, including through the use of automated collection techniques or other forms of information technology.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified as (15 U.S.C. 772(b) *et seq.);* the DOE Organization Act of 1977, Pub. L. 95–91, codified as (42 U.S.C. 7101 *et seq.*); and Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 *et seq.*).

Issued in Washington, DC, on April 4, 2018.

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2018–08520 Filed 4–23–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–459–001.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: OVEC and PJM Request for Extended Tariff Effective Date (Tariff, OA, RAA) to be effective N/A.
Filed Date: 4/17/18.
Accession Number: 20180417–5167.
Comments Due: 5 p.m. ET 5/8/18.

Docket Numbers: ER18–460–001.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: OVEC and PJM Request for Extended Tariff Effective Date (CTOA) to be effective N/A.
Filed Date: 4/17/18.
Accession Number: 20180417–5170.
Comments Due: 5 p.m. ET 5/8/18.

Docket Numbers: ER18–832–002.
Applicants: Public Service Company of New Mexico.
Description: Tariff Amendment: Amendment to eTariff Filings to be effective 1/29/2018.
Filed Date: 4/17/18.
Accession Number: 20180417–5166.
Comments Due: 5 p.m. ET 5/8/18.

Docket Numbers: ER18–907–002.
Applicants: Public Service Company of New Mexico.
Description: Tariff Amendment: Amendment to eTariff Filings to be effective 2/9/2018.
Filed Date: 4/17/18.
Accession Number: 20180417–5169.
Comments Due: 5 p.m. ET 5/8/18.

Docket Numbers: ER18–1385–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Cleanup of Sch 12 re: Previously accepted language & add non-ministerial changes to be effective 7/18/2016.
Filed Date: 4/17/18.
Accession Number: 20180417–5193.
Comments Due: 5 p.m. ET 5/8/18.

Docket Numbers: ER18–1386–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Amended LGIA Desert Harvest Project to be effective 4/19/2018.
Filed Date: 4/18/18.
Accession Number: 20180418–5007.
Comments Due: 5 p.m. ET 5/9/18.

Docket Numbers: ER18–1387–000.
Applicants: Kansas City Power & Light Company.
Description: Notice of Cancellation of Municipal Participation Agreement [Rate Schedule No. 85] of Kansas City Power & Light.
Filed Date: 4/17/18.
Accession Number: 20180417–5226.
Comments Due: 5 p.m. ET 5/8/18.

Docket Numbers: ER18–1388–000.
Applicants: Kansas City Power & Light Company.
Description: Notice of Cancellation of Municipal Participation Agreement [Rate Schedule No. 78] of Kansas City Power & Light.
Filed Date: 4/17/18.
Accession Number: 20180417–5227.
Comments Due: 5 p.m. ET 5/8/18.

Docket Numbers: ER18–1389–000.
Applicants: Kansas City Power & Light Company.
Description: Notice of Cancellation of Municipal Participation Agreement [Rate Schedule No. 77] of Kansas City Power & Light.
Filed Date: 4/17/18.
Accession Number: 20180417–5228.
Comments Due: 5 p.m. ET 5/8/18.

Docket Numbers: ER18–1390–000.
Applicants: Kansas City Power & Light Company.
Description: Notice of Cancellation of Municipal Participation Agreement [Rate Schedule No. 90] of Kansas City Power & Light.

Filed Date: 4/17/18.
Accession Number: 20180417–5229.
Comments Due: 5 p.m. ET 5/8/18.
Docket Numbers: ER18–1391–000.
Applicants: Unitil Service Corp.
Description: Unitil Power Corp submits Statement of all billing transactions under the Amended Unitil System Agreement for the period January 1, 2017 to December 31, 2017.
Filed Date: 4/18/18.
Accession Number: 20180418–5077.
Comments Due: 5 p.m. ET 5/9/18.
Docket Numbers: ER18–1392–000.
Applicants: Public Service Company of New Mexico.
Description: § 205(d) Rate Filing: eTariff Administrative Filing of OATT Revisions to be effective 11/1/2013.
Filed Date: 4/18/18.
Accession Number: 20180418–5117.
Comments Due: 5 p.m. ET 5/9/18.
Docket Numbers: ER18–1394–000.
Applicants: PacifiCorp.
Description: Tariff Cancellation: Termination of Idaho Power Migration Agmt—LaGrande/Pocatello to be effective 6/18/2018.
Filed Date: 4/18/18.
Accession Number: 20180418–5169.
Comments Due: 5 p.m. ET 5/9/18.
Docket Numbers: ER18–1395–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA SA No. 5044; Queue No. AB1–013 to be effective 3/19/2018.
Filed Date: 4/18/18.
Accession Number: 20180418–5205.
Comments Due: 5 p.m. ET 5/9/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 18, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–08488 Filed 4–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL17–32–000; EL17–36–000]

Supplemental Notice of Technical Conference; Old Dominion Electric Cooperative v. PJM Interconnection, L.L.C.; Advanced Energy Management Alliance v. PJM Interconnection, L.L.C.

On February 23, 2018, the Commission issued an order (February Order) directing Commission staff to convene a technical conference in these proceedings.[1] Pursuant to the February Order, on March 16, 2018, a notice was issued soliciting responses to a list of questions in the above referenced proceedings.[2] The technical conference is scheduled for April 24, 2018, at the Commission's headquarters at 888 First Street NE, Washington, DC 20426 between 9:30 a.m. and 4:15 p.m. (EDT).

In the February Order, the Commission found that the issues presented in the above captioned proceedings raise a number of issues related to the PJM capacity market that warrant further examination. Accordingly, the Commission established a technical conference to explore these issues. The purpose of the conference is to obtain further information concerning the above referenced proceedings.

A revised agenda with an updated list of selected speakers is attached and will be available on the web calendar on the Commission's website, *www.ferc.gov.* A schedule for post-technical conference comments will be established following the technical conference.

The conference will be open for the public to attend. Advanced registration is not required but is highly encouraged. Attendees may register at the following web page: *http://www.ferc.gov/whats-new/registration/04-24-18-form.asp.* Attendees should allow time to pass through building security procedures before the 9:30 a.m. (EDT) start time of the technical conference. In addition, information on this event will be posted on the Calendar of Events on the Commission's website, *www.ferc.gov,* prior to the event.

The technical conference will be transcribed and will be part of the record in these proceedings. Transcripts will be available for a fee from Ace-Federal Reports, Inc. (202–347–3700). There will be a free webcast of the conference. The webcast will allow persons to listen to the technical conference, but not participate. Anyone with internet access who wants to listen to the conference can do so by navigating to the Calendar of Events at *www.ferc.gov* and locating the technical conference in the Calendar. The technical conference listing on the calendar will contain a link to its webcast.

The Capitol Connection provides technical support for the webcast and offers the option of listening to the meeting via phone-bridge for a fee. The phone bridge must be requested at least 24 hours in advance of the meeting. If you have any questions, visit *www.CapitolConnection.org* or call 703–993–3100. The webcast will be available on the Calendar of Events on the Commission's website *www.ferc.gov* for three months after the conference.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a FAX to (202) 208–2106 with the required accommodations.

For more information about this technical conference, please contact:

Sarah McKinley (Logistical Issues), Office of External Affairs, 202–502–8368, *sarah.mckinley@ferc.gov*
John Riehl (Technical Issues), Office of Energy Market Regulation, 202–502–6026, *john.riehl@ferc.gov*
Noah Monick (Legal Issues), Office of General Counsel, 202–502–8299, *noah.monick@ferc.gov*

Dated: April 18, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–08477 Filed 4–23–18; 8:45 am]

BILLING CODE 6717–01–P

[1] *Old Dominion Elec. Coop.,* 162 FERC ¶ 61,160 (2018).

[2] *Notice of Request for Comments and Technical Conference,* Docket Nos. EL17–32–000 and EL17–36–000 (Mar. 28, 2016).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–139–000; QF90–203–010]

Notice of Petition for Declaratory Order; Nevada Power Company; Saguaro Power Company

Take notice that on April 16, 2018, pursuant to section 292.207(d)(1)(iii) of the Federal Energy Regulatory Commission's (Commission) Regulations [1] and Rule 207 of the Commission's Rules of Practice and

[1] 18 CFR 292.207(d)(1)(iii) (2017).

Procedure,[2] Nevada Power Company, on behalf of NV Energy, filed a petition for declaratory order (petition) finding that Saguaro Power Company has failed to demonstrate current compliance with the operating and efficiency criteria for qualifying co-generation facilities set forth in 18 CFR 292.205(a)(2017), all as more fully explained in the petition.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on May 16, 2018.

Dated: April 17, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–08478 Filed 4–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited		
1. CP15–558–000	4–3–2018	Mass Mailing.[1]
2. CP15–554–000	4–3–2018	Anne S. Bryan.
Exempt		
1. CP15–558–000	4–4–2018	U.S. Senator Cory A Booker.
2. CP17–15–000	4–10–2018	U.S. Senator Chris Van Hollen.
3. P–13102–0003	4–13–2018	FERC Staff.[2]

[1] Eight letters have been sent to FERC Commissioners and staff under this docket number.
[2] Memo dated April 13, 2018 regarding Demopolis Lock and dam Hydroelectric Project.

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[2] 18 CFR 385.207 (2017).

Dated: April 17, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–08480 Filed 4–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD18–6–000]

GenH, Inc.; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On April 12, 2018, GenH, Inc. filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed McClellan Wash Hydro Station Project would have an installed capacity of 75 kilowatts (kW), and would be located at the existing McClellan Wash Drop along the Central Main Canal near Eloy, Pinal County, Arizona.

Applicant Contact: Robert Freda, 306 Bellevue St., Boston, MA 02132, Phone No. (617) 435–6288.

FERC Contact: Christopher Chaney, Phone No. (202) 502–6778, email: *Christopher.Chaney@ferc.gov*.

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of: (1) Five 15-kW Turgo turbine units with a total installed capacity of 75 kW located at the McClellan Wash Drop of the Central Main Canal; and (2) appurtenant facilities. The proposed project would have an estimated annual generating capacity of about 900,000 kilowatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory Provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A), as amended by HREA ..	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i), as amended by HREA	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii), as amended by HREA.	The facility has an installed capacity that does not exceed 5 megawatts	Y
FPA 30(a)(3)(C)(iii), as amended by HREA.	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: The proposed addition of the hydroelectric project along the existing irrigation canal will not alter its primary purpose. Therefore, based upon the above information and criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY or MOTION TO INTERVENE, as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Locations of Notice of Intent: Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE, Washington, DC 20426. The filing may also be viewed on the web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the eLibrary link. Enter the docket number (*i.e.,* CD18–6) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659.

[1] 18 CFR 385.2001–2005 (2017).

Dated: April 17, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–08475 Filed 4–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC18–85–000.
Applicants: New England Power Company.
Description: Application for Authorization Under Section 203 of the Federal Power Act and Requests for CEII Treatment and Certain Waivers of New England Power Company.
Filed Date: 4/16/18.
Accession Number: 20180416–5244.
Comments Due: 5 p.m. ET 5/7/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1193–005.
Applicants: West Deptford Energy, LLC.
Description: Compliance filing: Refund Report—Informational Filing (Doc. No. EL16–100–000) to be effective N/A.
Filed Date: 4/17/18.
Accession Number: 20180417–5001.
Comments Due: 5 p.m. ET 5/8/18.

Docket Numbers: ER18–1314–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Amendment to April 9 Filing to be effective 1/4/2019.
Filed Date: 4/16/18.
Accession Number: 20180416–5098.
Comments Due: 5 p.m. ET 5/7/18.

Docket Numbers: ER18–1378–000.
Applicants: ITC Great Plains, LLC.
Description: Expedited Petition of ITC Great Plains, LLC for Waiver of Tariff Provisions and Shortened Answer Period.
Filed Date: 4/16/18.
Accession Number: 20180416–5237.
Comments Due: 5 p.m. ET 4/26/18.

Docket Numbers: ER18–1379–000.
Applicants: PJM Interconnection, L.L.C., Delaware Municipal Electric Corporation, Inc.
Description: § 205(d) Rate Filing: Revised SA No. 2978—NITSA among PJM and Delaware Municipal Electric Corp. to be effective 4/1/2018.
Filed Date: 4/17/18.
Accession Number: 20180417–5018.
Comments Due: 5 p.m. ET 5/8/18.

Docket Numbers: ER18–1380–000.
Applicants: Midcontinent Independent System Operator, Inc., Hoosier Energy Rural Electric Cooperative.
Description: § 205(d) Rate Filing: 2018–04–17_Revisions to add Hoosier Energy to Ameren-PPI JPZA & Schs 7,8,9 to be effective 7/1/2018.
Filed Date: 4/17/18.
Accession Number: 20180417–5117.
Comments Due: 5 p.m. ET 5/8/18.

Docket Numbers: ER18–1381–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–04–17_Revisions to add Hoosier Energy to Ameren-PPI JPZA & Schs 7,8,9 to be effective 7/1/2018.
Filed Date: 4/17/18.
Accession Number: 20180417–5126.
Comments Due: 5 p.m. ET 5/8/18.

Docket Numbers: ER18–1382–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1630R8 The Empire District Electric Company NITSA and NOA to be effective 4/1/2018.
Filed Date: 4/17/18.
Accession Number: 20180417–5135.
Comments Due: 5 p.m. ET 5/8/18.

Docket Numbers: ER18–1383–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: BPA Construction Agmt ? Conversion Ross-Lex-Swift Rev 1 to be effective 6/18/2018.
Filed Date: 4/17/18.
Accession Number: 20180417–5140.
Comments Due: 5 p.m. ET 5/8/18.

Docket Numbers: ER18–1384–000.
Applicants: Buchanan Generation, LLC.
Description: § 205(d) Rate Filing: Notice of Succession for Reactive Service Rate Schedule to be effective 3/1/2018.
Filed Date: 4/17/18.
Accession Number: 20180417–5153.
Comments Due: 5 p.m. ET 5/8/18.
Accession Number: 20180416–5091.
Comments Due: 5 p.m. ET 5/7/18.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF17–1029–002; QF17–1030–001; QF17–1256–002; QF17–1257–002; QF17–1258–002; QF17–1337–001; QF17–1338–001; QF17–1357–001; QF17–1455–001; QF17–1532–001; QF17–1537–001; Q17–1538–001.
Applicants: IGS ORIX Solar I, LLC, IGS Solar I, LLC.
Description: Refund Report of IGS ORIX Solar I, LLC and IGS Solar I, LLC.
Filed Date: 4/17/18.
Accession Number: 20180417–5132.
Comments Due: 5 p.m. ET 5/7/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 17, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–08487 Filed 4–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR18–41–000.
Applicants: Kinder Morgan Texas Pipeline LLC.
Description: Tariff filing per 284.123(b)(1)/: 2017 Annual Certification.
Filed Date: 4/5/18.
Accession Number: 201804055113.
Comments/Protests Due: 5 p.m. ET 4/26/18.

Docket Numbers: RP18–699–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: § 4(d) Rate Filing: GT&C Section 61—Off-System Capacity to be effective 5/13/2018.
Filed Date: 4/12/18.
Accession Number: 20180412–5053.
Comments Due: 5 p.m. ET 4/24/18.

Docket Numbers: RP18–700–000.
Applicants: NRG Canal LLC,GenOn Holdco 10, LLC.

Description: Joint Petition for Limited Waiver of Capacity Release Regulations and Tariff Provisions of NRG Canal LLC, et al.
Filed Date: 4/12/18.
Accession Number: 20180412–5075.
Comments Due: 5 p.m. ET 4/24/18.

Docket Numbers: RP18–701–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: GT&C Section 14.3 Modification to be effective 5/12/2018.
Filed Date: 4/12/18.
Accession Number: 20180412–5112.
Comments Due: 5 p.m. ET 4/24/18.

Docket Numbers: RP18–702–000.
Applicants: National Fuel Gas Supply Corporation.
Description: § 4(d) Rate Filing: Non-Conforming Line K Uprate to be effective 6/1/2018.
Filed Date: 4/12/18.
Accession Number: 20180412–5137.
Comments Due: 5 p.m. ET 4/24/18.

Docket Numbers: RP17–598–004.
Applicants: Great Lakes Gas Transmission Limited Partnership.
Description: Compliance filing Settlement Compliance to RP17–598–001 to be effective 10/1/2017.
Filed Date: 4/13/18.
Accession Number: 20180413–5108.
Comments Due: 5 p.m. ET 4/25/18.

Docket Numbers: RP18–703–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate—Bay State to Macquarie 796310 to be effective 5/1/2018.
Filed Date: 4/13/18.
Accession Number: 20180413–5002.
Comments Due: 5 p.m. ET 4/25/18.

Docket Numbers: RP18–704–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Agreement Update Filing (Conoco Redesignation Apr 18) to be effective 4/16/2018.
Filed Date: 4/13/18.
Accession Number: 20180413–5169.
Comments Due: 5 p.m. ET 4/25/18.

Docket Numbers: RP18–705–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Amendment to NRA—Macquarie Energy LLC to be effective 4/13/2018.
Filed Date: 4/13/18.
Accession Number: 20180413–5182.
Comments Due: 5 p.m. ET 4/25/18.

Docket Numbers: RP18–706–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (Newfield 18 to Sequent 1971) to be effective 4/12/2018.
Filed Date: 4/16/18.
Accession Number: 20180416–5071.
Comments Due: 5 p.m. ET 4/30/18.

Docket Numbers: RP18–707–000.
Applicants: Guardian Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate PAL Agreement—MIECO, INC to be effective 4/16/2018.
Filed Date: 4/16/18.
Accession Number: 20180416–5150.
Comments Due: 5 p.m. ET 4/30/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 18, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–08489 Filed 4–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–173–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization

Take notice that on April 10, 2018, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street, Suite 700, Houston, Texas 77002–2700, filed in Docket No. CP18–173–000 a prior notice request pursuant to sections 157.205 and 157.213(b) of the Commission's regulations under the Natural Gas Act (NGA), requesting authorization to construct and operate one new horizontal storage well, designated Well 12622, and related pipeline and appurtenances at Columbia's Weaver Storage Field, located in Ashland, Holmes, Knox, and Richland Counties, Ohio. Columbia estimates the cost of the proposed project to be approximately $2,800,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Linda Farquhar, Manager, Project Determinations & Regulatory Administration, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 700, Houston, Texas 77002–2700, by telephone at (832) 320–5685, by fax at (832) 320–6685, or by email at *linda_farquhar@transcanada.com.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: April 18, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–08476 Filed 4–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5670–001]

San Diego County Water Authority; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, Protests, Recommendations, and Terms and Conditions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Amendment of Conduit Exemption.

b. *Project No.:* 5670–001.

c. *Date filed:* April 3, 2018.

d. *Applicant:* San Diego County Water Authority.

e. *Name of Project:* Alvarado Hydroelectric Project.

f. *Location:* The project is located within Alvarado Water Treatment Plant in the city of San Diego, San Diego County, California. The land on which all the project facilities are located is owned by the applicant.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Brent Fountain, Engineer, 4677 Overland Avenue, San Diego, California 92123, phone (858) 522–6808.

i. *FERC Contact:* Christopher Chaney, (202) 502–6778 or *christopher.chaney@ferc.gov.*

j. *Deadline for filing responsive documents:* Due to the small size of the proposed project, as well as the resource agency consultation letters filed with the application, the 60-day timeframe specified in 18 CFR 4.34(b) for filing all comments, motions to intervene, protests, recommendations, terms and conditions, and prescriptions is shortened to 30 days from the issuance date of this notice. All reply comments must be filed with the Commission within 45 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–5670–001.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, it must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed amendment consists of the rehabilitation of the existing hydroelectric facility by: (1) Replacing the two existing, 1-megawatt (MW) turbine/generating units with a single, 1.7 MW-rated turbine/generating unit, switchgear, and generator protection panels; and (2) installing a flow control bypass line to provide flow to the water treatment plant when the project is offline.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number, P–5670, in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified deadline date for the particular application.

n. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, MOTION TO INTERVENE, REPLY COMMENTS, RECOMMENDATIONS, TERMS AND CONDITIONS, or PRESCRIPTIONS; (2) set forth in the heading, the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents

with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: April 18, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–08479 Filed 4–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD18–5–000]

GenH, Inc.; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On April 12, 2018, GenH, Inc. filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed Mohawk Hydro Station Project would have an installed capacity of up to 150 kilowatts (kW), and would be located at an existing unnamed drop along the Wellton-Mohawk Canal in Roll, Yuma County, Arizona.

Applicant Contact: Robert Freda, 306 Bellevue St., Boston, MA 02132, Phone No. (617) 435–6288.

FERC Contact: Christopher Chaney, Phone No. (202) 502–6778, email: *Christopher.Chaney@ferc.gov*.

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of: (1) Up to 10 15-kW Turgo turbine units with a total installed capacity of up to 150 kW located at an unnamed drop along the Wellton-Mohawk Canal; and (2) appurtenant facilities. The proposed project would have an estimated annual generating capacity of up to approximately 1,336,000 kilowatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A), as amended by HREA ..	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity..	Y
FPA 30(a)(3)(C)(i), as amended by HREA	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit..	Y
FPA 30(a)(3)(C)(ii), as amended by HREA.	The facility has an installed capacity that does not exceed 5 megawatts.	Y
FPA 30(a)(3)(C)(iii), as amended by HREA.	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA..	Y

Preliminary Determination: The proposed addition of the hydroelectric project along the existing irrigation canal will not alter its primary purpose. Therefore, based upon the above information and criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY or MOTION TO INTERVENE, as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Locations of Notice of Intent: Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE, Washington, DC 20426. The filing may also be viewed on the web at *http://www.ferc.gov/docs-filing/elibrary.asp*

[1] 18 CFR 385.2001–2005 (2017).

using the eLibrary link. Enter the docket number (*i.e.,* CD18–5) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659.

Dated: April 17, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–08481 Filed 4–23–18; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Thursday, April 26, 2018 at 10:00 a.m.

PLACE: 1050 First Street NE, Washington, DC (12th Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Correction and Approval of Minutes for January 25, 2018

Correction and Approval of Minutes for February 8, 2018

Audit Recommendation Memorandum on McSally for Congress (MFC) (A15–04)

Draft Advisory Opinion 2018–02: Alabama Academy of Radiology and ALRAD PAC

Draft Advisory Opinion 2018–03: Committee to Elect Michael Gilmore

Draft Advisory Opinion 2018–04: Conservative Primary LLC

Draft Advisory Opinion 2018–05: CaringCent, LLC

Internet Communication Disclaimers Illustrative Examples

Directive 10, Section L.: Special Rules When the Commission Has Fewer Than Four Members

Management and Administrative Matters

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dayna C. Brown, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2018–08604 Filed 4–20–18; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 11, 2018.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Maedgen & White, LTD., Diamond HTH Stock Company GP, LLC, Diamond HTH Stock Company, LP, Diamond A Financial, L.P., Hilltop Holdings, Inc., and PlainsCapital Corporation,* all of Dallas, Texas; to acquire voting shares of The Bank of River Oaks, Houston, Texas.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–08532 Filed 4–23–18; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC–2018–0028, NIOSH–310]

Draft—National Occupational Research Agenda for Wholesale and Retail Trade

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for comment.

SUMMARY: The National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention announces the availability of a draft NORA Agenda entitled *National Occupational Research Agenda for Wholesale and Retail Trade* for public comment. To view the notice and related materials, visit *https://www.regulations.gov* and enter CDC–2018–0028 in the search field and click ''Search.''

DATES: Electronic or written comments must be received by June 25, 2018.

ADDRESSES: You may submit comments, identified by CDC–2018–0028 and docket number NIOSH–310, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226–1998.

Instructions: All submissions received in response to this notice must include the agency name and docket number [CDC–2018–0028; NIOSH–310]. All relevant comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov*. All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226–1998.

FOR FURTHER INFORMATION CONTACT: Emily Novicki (*NORACoordinator@cdc.gov*), National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Mailstop E–20, 1600 Clifton Road NE, Atlanta, GA 30329, phone (404) 498–2581 (not a toll free number).

SUPPLEMENTARY INFORMATION: The National Occupational Research Agenda (NORA) is a partnership program created to stimulate innovative research and improved workplace practices. The national agenda is developed and implemented through the NORA sector and cross-sector councils. Each council develops and maintains an agenda for its sector or cross-sector.

Background: The National Occupational Research Agenda for Wholesale and Retail Trade (WRT) is intended to identify the research, information, and actions most urgently needed to prevent occupational illnesses and injuries in the WRT sector. The National Occupational Research Agenda for WRT provides a vehicle for stakeholders to describe the most relevant issues, gaps, and safety and health needs for the sector. Each NORA research agenda is meant to guide or promote high priority research efforts on a national level, conducted by various entities, including: Government, higher education, and the private sector.

The first National Occupational Research Agenda for WRT was published in 2009 for the second decade of NORA (2006–2016). This draft is an updated agenda for the third decade of NORA (2016–2026). The revised agenda was developed considering new information about injuries and illnesses, the state of the science, and the probability that new information and approaches will make a difference. As the steward of the NORA process, NIOSH invites comments on the draft *National Occupational Research Agenda for Wholesale and Retail Trade*. Comments expressing support or with specific recommendations to improve the Agenda are requested. A copy of the draft Agenda is available at *https://www.regulations.gov* (see Docket Number CDC–2018–0028).

Dated: April 19, 2018.

John J. Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2018–08473 Filed 4–23–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC–2018–0038, NIOSH–312]

Research Plan, Continuing To Protect the Nanotechnology Workforce: NIOSH Nanotechnology Research Plan for 2018–2025

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for comment.

SUMMARY: The National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention announces the availability of a draft research plan entitled *Continuing To Protect the Nanotechnology Workforce: NIOSH Nanotechnology Research Plan for 2018–2025* for public comment. To view the notice and related materials, visit *https://www.regulations.gov* and enter CDC–2018–0038 in the search field and click ''Search.''

DATES: Electronic or written comments must be received by June 25, 2018.

ADDRESSES: You may submit comments, identified by CDC–2018–0038 and docket number NIOSH–312, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226–1998.

Instructions: All submissions received in response to this notice must include the agency name and docket number [CDC–2018–0038; NIOSH–312]. All relevant comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.* All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226–1998.

FOR FURTHER INFORMATION CONTACT: Charles L. Geraci (*CGeraci@cdc.gov*), National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 1090 Tusculum Avenue, MS C–14, Cincinnati, OH 45226, phone (513) 533–8339 (not a toll free number).

SUPPLEMENTARY INFORMATION: NIOSH is seeking stakeholder input on the draft document *Continuing To Protect the Nanotechnology Workforce: NIOSH Nanotechnology Research Plan for 2018–2025,* to ensure that the program is meeting the needs of the stakeholders, and to identify ways in which the program can be improved to increase its impact on the safety and health of nanomaterial workers across the United States.

Background: Since 2004, NIOSH has pioneered research on the toxicological properties and characteristics of nanoparticles. This research has involved characterizing occupationally relevant nanoparticles for predicting whether these particles pose a risk of adverse health effects and for providing guidance on controlling workplace exposures. In September 2005, NIOSH developed its first nanotechnology strategic plan to further guide the Institute in identifying and prioritizing nanotechnology research. This strategic plan was updated in 2009 [*https://www.cdc.gov/niosh/docs/2010-105/pdfs/2010-105.pdf*] and again in 2013 [*https://www.cdc.gov/niosh/docs/2014-106/pdfs/2014-106.pdf*]. NIOSH would like to build on the accomplishments of ongoing research to develop the next strategic research goals and objectives for 2018–2025. NIOSH has identified 10 critical research areas for nanotechnology research and communication. These 10 critical research areas are: (1) Toxicity and internal dose, (2) measurement methods, (3) exposure assessment, (4) epidemiology and surveillance, (5) risk assessment, (6) engineering controls and personal protective equipment (PPE), (7) fire and explosion safety, (8) recommendations and guidance, (9) global collaborations, and (10) applications and informatics.

NIOSH is considering focusing the overarching strategic research goals for these critical areas on 5 key goals: (1) Increase understanding of new hazards and related health risks to nanomaterial workers, (2) expand understanding of the initial hazard findings of engineered nanomaterials, (3) support the creation of guidance materials to inform nanomaterial workers, employers, health professionals, regulatory agencies, and decision makers about hazards, risks and risk management approaches, (4)support epidemiologic studies for nanomaterial workers including medical and exposure studies, and (5) assess and promote national

adherence with risk management guidance.

Public comments are requested, including those expressing support or with specific suggestions to improve the Research plan. A copy of the draft Research plan is available at *https://www.regulations.gov* (see Docket Number CDC–2018–0038).

Dated: April 19, 2018.

John J. Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2018–08472 Filed 4–23–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–1328]

Severely Debilitating or Life-Threatening Hematologic Disorders: Nonclinical Development of Pharmaceuticals; 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 ''Severely Debilitating or Life-Threatening Hematologic Disorders: Nonclinical Development of Pharmaceuticals.'' The purpose of this guidance is to provide information to assist sponsors in the design of an appropriate program of nonclinical studies for the development of pharmaceuticals used to treat patients with severely debilitating or life-threatening hematologic disorders (SDLTHDs). While FDA has guidance for oncology indications (most of which are considered severely debilitating or life-threatening diseases) and for rare diseases (which include some SDLTHD conditions), FDA has no guidance to facilitate nonclinical development specifically for pharmaceuticals used to treat nononcology patients with SDLTHDs. A streamlined approach to drug development is necessary to allow patients with SDLTHDs earlier and continued access to new and potentially effective therapies.

DATES: Submit either electronic or written comments on the draft guidance by June 25, 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–1328 for ''Severely Debilitating or Life-Threatening Hematologic Disorders: Nonclinical Development of Pharmaceuticals; 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: John Leighton, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 2204, Silver Spring, MD 20993–0002, 301–796–0750; or Haleh Saber, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 2117, Silver Spring, MD 20993–0002, 301–796–0750.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Severely Debilitating or Life-Threatening Hematologic Disorders: Nonclinical Development of Pharmaceuticals.'' The purpose of this guidance is to provide information to assist sponsors in the design of an appropriate program of nonclinical studies for the development of pharmaceuticals used to treat patients with SDLTHDs. While FDA has guidance for oncology indications (most of which are considered severely debilitating or life-threatening diseases) and for rare diseases (which include some SDLTHD conditions), FDA has no guidance to facilitate nonclinical development specifically for pharmaceuticals used to treat nononcology patients with SDLTHDs.

The SDLTHDs include conditions in which life expectancy is short or quality of life is greatly diminished despite available therapies. FDA has defined life-threatening and severely debilitating diseases in regulations (21 CFR 312.81). A streamlined approach to drug development is necessary to allow patients with SDLTHDs earlier and continued access to new and potentially effective therapies. This guidance, when finalized, is expected to reduce the use of animals in accordance with the 3R (refine/reduce/replace) principles and allow faster and continuous access to pharmaceuticals for SDLTHDs.

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 nonclinical development of pharmaceuticals for severely debilitating or life-threatening hematologic disorders. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Electronic Access

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

Dated: April 19, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–08548 Filed 4–23–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request Information Collection Request Title: The Maternal, Infant, and Early Childhood Home Visiting Program Statewide Needs Assessment Update

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit a Supplemental Information Request (SIR), described below, to the Office of Management and Budget (OMB). Prior to submitting the SIR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the SIR.

DATES: Comments on this SIR should be received no later than June 25, 2018.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: The Maternal, Infant, and Early Childhood Home Visiting Program Needs Assessment Update

OMB No.: 0906–XXXX, New.

Abstract: HRSA is requesting approval to collect updated statewide needs assessments from Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program awardees. The previous statewide needs assessment that was approved under OMB control number 0915–0333 has been discontinued. Eligible entities that are states, the District of Columbia, and non-profit organizations will submit statewide needs assessment updates in response to a forthcoming SIR.

The MIECHV Program, authorized by section 511 of the Social Security Act, 42 U.S.C. 711, and administered by HRSA in partnership with the Administration for Children and Families, supports voluntary, evidence-based home visiting services during pregnancy and to parents with young children up to kindergarten entry. States, territories, and tribal entities, and nonprofit organizations, in certain circumstances, are eligible to receive funding through MIECHV and have the flexibility, within the parameters of the authorizing statute, to tailor the program to serve the specific needs of their communities.

The statewide needs assessment is a critical and foundational resource that assists awardees in identifying and understanding how to meet the needs of eligible families living in at-risk communities in their states.

Need and Proposed Use of the Information: Congress, through enactment of the Social Security Act, Title V, Section 511 (42 U.S.C. 711), as amended, established the MIECHV Program. The MIECHV Program is designed to: (1) Strengthen and improve the programs and activities carried out under Title V of the Social Security Act; (2) improve coordination of services for at risk communities; and (3) identify and provide comprehensive services to improve outcomes for families who reside in at risk communities. Section 50603 of the Bipartisan Budget Act of 2018 (Pub. L. 115–123) amended section 511(b)(1) of the Social Security Act, and requires that states review and update their statewide needs assessments (which may be separate from, but in coordination with, the Title V statewide needs assessment) no later than October 1, 2020, as a condition of receiving payments from Title V Block Grant allotments.

In response to the forthcoming SIR, state and territory awardees will be required to submit an updated statewide needs assessment that identifies all of the following information, as required by the MIECHV authorizing statute:

(1) Communities with concentrations of (a) premature birth, low-birth weight infants, and infant mortality, including infant death due to neglect, or other indicators of at-risk prenatal, maternal, newborn, or child health; (b) poverty; (c) crime; (d) domestic violence; (e) high rates of high-school drop-outs; (f) substance abuse; (g) unemployment; or (h) child maltreatment.

(2) The quality and capacity of existing programs or initiatives for early

childhood home visitation in the state including: the number and types of individuals and families who are receiving services under such programs or initiatives; the gaps in early childhood home visitation in the state; and the extent to which such programs or initiatives are meeting the needs of eligible families.

(3) The state's capacity for providing substance abuse treatment and counseling services to individuals and families in need of such treatment or services.

The forthcoming SIR will provide further guidance to states in updating their statewide needs assessments and submitting the required information to HRSA. States that have elected not to apply for or be awarded MIECHV funds are encouraged to work with nonprofit organizations that have received awards to provide MIECHV services within the state and indicate whether they will submit their needs assessments directly or through the nonprofit organization awardee. HRSA, states, and nonprofits providing MIECHV services within states will use the information collected through the needs assessment update to reaffirm the provision of MIECHV home visiting services in at-risk communities. The information will also be used to support program planning, improvement, and decision-making. The needs assessment update is not intended to disrupt current services or negatively impact communities that have benefited from home visiting programs, nor is the intent of the update to require awardees to shift resources away from at-risk communities they currently serve.

Likely Respondents: MIECHV Program Awardees that are states, territories, and, where applicable, nonprofit organizations providing services within states.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions and supporting materials; to collect and analyze data; engage with stakeholders and coordinate with state level partners; and to draft and submit the report. The table below summarizes the total annual burden hours estimated for this SIR.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Instrument	Number of respondents	Number of responses per respondent	Total responses	Average burden hours per response	Total burden hours
Maternal, Infant, and Early Childhood Home Visiting Program Statewide Needs Assessment Update	56	1	56	95.57	5,352
Total	56		56		5,352

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–08539 Filed 4–23–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

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

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 contract proposals and 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 contract proposals and grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; National Gene Vector Biorepository Contract Review.

Date: May 14, 2018.

Time: 11:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Charles Joyce, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892–7924, 301–827–7939, *cjoyce@nhlbi.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Acute Lung Injury Program Project Review.

Date: May 15, 2018.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton BWI (Baltimore), 1100 Old Elkridge Landing Road, Baltimore, MD 21090.

Contact Person: Shelley S. Sehnert, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7206, Bethesda, MD 20892–7924, 301–435–0303, *ssehnert@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: April 18, 2018.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–08443 Filed 4–23–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Cancellation Notice of Meeting

Notice is hereby given of the cancellation of the National Cancer Institute Special Emphasis Panel, May 21, 2018, 5:00 p.m. to May 22, 2018, 5:00 p.m., Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Linden Oak, Rockville, MD, 20852 which was published in the **Federal Register** on April 6, 2018, 83 FR 14869.

This meeting has been cancelled due to an administrative oversight. A new meeting announcement will be posted soon. The meeting is closed to the public.

Dated: April 18, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–08446 Filed 4–23–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Notice of Closed Meetings

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

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

Name of Committee: National Cancer Institute Special Emphasis Panel; Partnerships in Cancer Research (P20) and Cancer Health Equity (U54).

Date: May 21–22, 2018.

Time: 5:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant application.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Clifford W. Schweinfest, MD, Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W108, Bethesda, MD 20892–9750, 240–276–6343, *schweinfestcw@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP–7: NCI Clinical and Translational R21 and Omnibus R03.

Date: June 4–5, 2018.

Time: 6:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Eduardo E. Chufan, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W254, Bethesda, MD 20892–9750, 240–276–7975, *chufanee@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Innovative Molecular Analysis Technologies.

Date: June 6, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Jun Fang, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W246, Bethesda, MD 20892–9750, 240–276–5460, *jfang@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel NCI Clinical and Translational Exploratory/Developmental Studies and NCI, Small Grants Program for Cancer Research (NCI Omnibus).

Date: June 6, 2018.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W242, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Zhiqiang Zou, MD, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W242, Bethesda, MD 20892–9750, 240–276–6372, *zouzhiq@mail.nih.gov*.

Name of Committee: National Cancer Institute Initial Review Group Subcommittee F—Institutional Training and Education.

Date: June 12, 2018.

Time: 12:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W624, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Timothy C. Meeker, MD, Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W624, Bethesda, MD 20892–9750, 240–276–6464, *meekert@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: April 18, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–08445 Filed 4–23–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development (NICHD); Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Child Health and Human Development Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. A portion of this meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended for the review and discussion of grant applications. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the contact person listed below in advance of the meeting.

Name of Committee: National Advisory Child Health and Human Development Council.

Date: June 07, 2018.

Open: June 07, 2018.

Time: 8:00 a.m. to 12:30 p.m.

Agenda: The agenda will include opening remarks, administrative matters, Director's Report, Division of Extramural Research Report and, other business of the Council.

Place: National Institutes of Health, Building 31, C-Wing, Conference Room 6, 9000 Rockville Pike, Bethesda, MD 20892.

Closed: June 07, 2018.

Time: 1:30 p.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, C-Wing, Conference Room 6, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Della Hann, Ph.D., Director, Division of Extramural Research, *Eunice Kenney Shriver* National Institute of Child Health and Human Development, NIH, 6710 Rockledge Blvd., MSC 7002, Bethesda, MD 20892, 301–496–8535.

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 taxis, 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.

In order to facilitate public attendance at the open session of Council in the main meeting room, Conference Room 6, please contact Ms. Lisa Kaeser, Program and Public Liaison Office, NICHD, at 301–496–0536 to make your reservation, additional seating will be available in the meeting overflow rooms, Conference Rooms 7 and 8. Individuals will also be able to view the meeting via NIH Videocast. Select the following link for Videocast access instructions: *http://www.nichd.nih.gov/about/advisory/nachhd/Pages/virtual-meeting.aspx*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment program, National Institutes of Health, HHS).

Dated: April 18, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–08447 Filed 4–23–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Biomedical Informatics, Library and Data Sciences Review Committee, June 7, 2018, 8:00 a.m. to 6:00 p.m., June 8, 2018, 8:00 a.m. to 6:00 p.m., Bethesda Hyatt, 1 Bethesda Metro Center, Bethesda, MD 20814 which was published in the **Federal Register** on April 2, 2018, 83 FR 63, Page 14019.

The meeting of the Biomedical Informatics, Library and Data Sciences Review Committee (01) will be held on June 7, 2018, 8:00 a.m. to 6:00 p.m. and June 8, 2018, 8:00 a.m. to 10:00 a.m. The Biomedical Informatics, Library and Data Sciences Review Committee (02) will be held on June 8, 2018, 10:00 a.m. to 3:00 p.m. The meeting is closed to the public.

Dated: April 18, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–08442 Filed 4–23–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

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

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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Hispanic Community Health Study—Study of Latinos Coordinating Center.

Date: May 8, 2018.

Time: 9:00 a.m. to 9:30 a.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7198, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Kristin Goltry, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7198, Bethesda, MD 20892, 301–435–0297, *goltrykl@mail.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Hispanic Community Health Study—Study of Latinos Field Centers.

Date: May 8, 2018.

Time: 9:30 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7198, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Kristin Goltry, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7198, Bethesda, MD 20892, 301–435–0297, *goltrykl@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: April 18, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–08444 Filed 4–23–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2017–0039]

Privacy Act of 1974; System of Records

AGENCY: Department of Homeland Security.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security (DHS) proposes to establish a new DHS system of records titled, ''Department of Homeland Security/ALL–041 External Biometric Records (EBR) System of Records.'' This system of records allows the DHS to receive, maintain, and disseminate biometric and associated biographic information from non-DHS entities, both foreign and domestic, for the following purposes pursuant to formal or informal information sharing agreements or arrangements (''external information''), or with the express approval of the entity from which the Department received biometric and associated biographic information: Law enforcement; national security; immigration screening; border enforcement; intelligence; national defense; and background investigations relating to national security positions, credentialing, and certain positions of public trust, consistent with applicable DHS authorities.

Department of Homeland Security/ALL–041 External Biometric Records (EBR) System of Records (SOR) is one of two replacement system of records notices (SORN) for DHS/US–VISIT–001 DHS Automated Biometric Identification System (IDENT). This SORN applies to records provided to DHS by non-DHS entities that do not fall under existing Component/DHS SORNs. The other replacement for the IDENT SORN will be a forthcoming technical SORN focused on the technical aspects of the IDENT system. After the technical SORN is published, DHS will rescind the IDENT SORN by publishing a *notice of rescindment* in the **Federal Register**. Components are responsible for maintaining SORN coverage for biometric and associated biographic information collected by that Component.

Additionally, DHS is issuing a Notice of Proposed Rulemaking (NPRM) to exempt this system of records from certain provisions of the Privacy Act, elsewhere in the **Federal Register**. This newly established system will be included in the Department of Homeland Security's inventory of record systems.

DATES: Submit comments on or before May 24, 2018. This new system will be effective upon publication, with the exception of the routine uses, which will become effective May 24, 2018.

ADDRESSES: You may submit comments, identified by docket number DHS–2017–0039 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Philip S. Kaplan, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528–0655.

Instructions: All submissions received must include the agency name and docket number DHS–2017–0039. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions and for privacy issues, please contact: Philip S. Kaplan, *privacy@hq.dhs.gov,* (202) 343–1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In 2007, DHS published the IDENT SORN. Since then, the Department's Privacy Act framework and the IDENT information technology system have evolved as the Department has matured. DHS Component SORNs now govern the function and use of the biometrics records collected by each Component. The Department, however, still requires a SORN to cover biometrics received from non-DHS entities. Therefore, DHS is establishing DHS/ALL–041 External Biometric Records (EBR) System of Records, which governs the maintenance and use of biometrics and associated biographic information received from non-DHS entities that are not covered by an existing DHS Component SORNs. A forthcoming technical SORN will cover the limited information created by the IDENT system. Eventually, both this EBR SORN and the planned technical SORN will replace the IDENT SORN. In the meantime, to avoid any gap in SORN coverage for biometrics and associated biographic information, the EBR and IDENT SORNs will co-exist. After the technical SORN is published, DHS will rescind the IDENT SORN by publishing a *notice of rescindment* in the **Federal Register**.

External information is collected by non-DHS entities, including the Department of Defense (DoD), the Department of Justice (DOJ), State and local law enforcement authorities, or foreign governments. External information shared with DHS includes biometric (*e.g.,* latent fingerprints) and associated biographic information that may be used by DHS for the following purposes: Law enforcement; national security; immigration screening; border enforcement; intelligence; national defense; and background investigations relating to national security positions, credentialing, and certain positions of public trust, consistent with applicable DHS authorities.

DHS also maintains this information to support its information sharing agreements and arrangements with foreign partners to: Prevent travelers from assuming different identities to fraudulently gain admission or immigration benefits; identify individuals who seek to enter the United States for unauthorized purposes; identify those who have committed serious crimes or violated immigration law; enable informed decisions on visas, admissibility, or other immigration benefits. Such sharing augments the law enforcement and border control efforts of both the United States and its partners. Additionally, DHS is using this information in concert with external partners to facilitate the screening of refugees in an effort to combat terrorist travel consistent with DHS's and Components' authorities.

Consistent with DHS's mission, information covered by DHS/ALL–041 EBR may be shared with DHS Components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS may share information with appropriate Federal, State, local, tribal, territorial, foreign, or international government agencies from the providing external entity, consistent with any applicable laws, rules, regulations, and information sharing and access agreements or arrangements. DHS may share biometric and associated biographic information as permitted pursuant to an applicable Privacy Act authorized disclosure, including routine uses set forth in this SORN. Additionally, DHS is issuing a NPRM to exempt this system of records from certain provisions of the Privacy Act elsewhere in the **Federal Register**. This newly established system will be included in DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, the Judicial Redress Act (JRA) provides a statutory right to covered persons to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act.

Below is the description of the DHS/ALL–041 External Biometric Records (EBR) System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

SYSTEM NAME AND NUMBER:

Department of Homeland Security (DHS)/ALL–041 External Biometric Records (EBR) System of Records.

SECURITY CLASSIFICATION:

Unclassified, Sensitive. The data may be retained on classified networks but this does not change the nature and character of the data until it is combined with classified information.

SYSTEM LOCATION:

Records are maintained at Data Center 1 at Stennis, Mississippi, Data Center 2 at Clarksville, Virginia, at the Office of Biometric Identity Management (OBIM) Headquarters in Washington, DC, and field offices. The records are maintained in the Information Technology (IT)

system, Automated Biometric Identification System (IDENT), also referred to as the Homeland Advanced Recognition Technology (HART).

DHS replicates records from this operational IT system and maintains them in other IT systems connected on the DHS unclassified and classified networks.

SYSTEM MANAGER(S):

System Manager, IDENT Program Management Office, OBIM, U.S. Department of Homeland Security, Washington, DC 20528; email: *OBIMprivacy.ice.dhs.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 U.S.C. 202 and 482; 8 U.S.C. 1103, 1105, 1158, 1159, 1187, 1201, 1225, 1254a, 1254b, 1301–1305, 1324, 1357, 1360, 1365a, 1365b, 1372, 1379, 1440f, 1537, 1721, 1722, 1731, and 1732; 14 U.S.C. 89, 95; 19 U.S.C. 1589a; 42 U.S.C. 5197a; 44 U.S.C. 3544; 46 U.S.C. 70123; 49 U.S.C. 114, 5103, 40103(b), 40113(a), 44903(b), 44936, 44939, and 46105; 5 CFR part 731; 5 CFR part 732; 32 CFR 147.24; 8 CFR 214.1; 8 CFR 235.1; E.O. 12968 (60 FR 40245), 3 CFR, 1995 Comp. p. 1365; 13764 (82 FR 8115), Homeland Security Presidential Directive 12 (HSPD–12): Policy for a Common Identification Standard for Federal Employees and Contractors (Aug. 27, 2004); HSPD–11: Comprehensive Terrorist-Related Screening Procedures (Aug. 27, 2004); and National Security Presidential Directive/NSPD–59/HSPD–24: Biometrics for Identification and Screening to Enhance National Security (June 5, 2008).

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to process and maintain biometric and associated biographic information from non-DHS entities, both foreign and domestic, for law enforcement, national security, immigration screening, border enforcement, intelligence, national defense, and background investigations relating to national security positions, credentialing, and certain positions of public trust, consistent with applicable DHS authorities. DHS may use and share these external biometric and associated biographic records for these same purposes, as permitted and approved by our partners, if applicable, pursuant to the agreement or arrangement.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by EBR include the individuals whose biometric and associated biographic information are collected by *non-DHS entities* for the following DHS purposes:

- Background checks and suitability screening;
- National security;
- Law enforcement operations (including individuals who are removed from a foreign country by a foreign partner government based on a criminal conviction);
- Intelligence;
- Border enforcement and immigration screening; and
- National defense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information collected by a *non-DHS entity* and maintained in this system includes:

- Biometric data, including:
  - Facial images;
  - Fingerprints;
  - Latent fingerprints;
  - Iris images;
  - Palm prints;
  - Voice;
  - Scars, marks, and tattoos;
  - DNA or DNA Profile; and
  - Other modalities.
- Biometric-associated biographic data including:
  - Full name (*i.e.,* first, middle, last, nicknames, and aliases);
  - Date of birth (DOB);
  - Gender;
  - Personal physical details, such as height, weight, eye color, and hair color;
  - Signature;
  - Assigned number identifiers, such as, but not limited to, Alien Registration Number (A-Number), Social Security number (SSN), state identification number, civil record number, other agency system specific fingerprint record locator information, Federal Bureau of Investigation (FBI) Number (FNU)/Universal Control Number (UCN), Encounter Identification Number (EID), Finger Identification Number (FIN), DoD Biometric Identifier (DoD BID), Transaction Control Number (TCN), Global Unique Identifier (GUID), National Unique Identification Number (NUIN), document information and identifiers (*e.g.,* passport and visa data, document type, document number, country of issuance), when available; and
  - Identifiers for citizenship and nationality, including person-centric details, such as country of birth, country of citizenship, and nationality, when available.
- Derogatory information (DI), if applicable, including, wants and warrants, Known or Suspected Terrorist (KST) designation, sexual offender registration, foreign criminal convictions, and immigration violations, when available;
- Miscellaneous officer comment information, when available; and
- Encounter data, including location and circumstance of each instance resulting in biometric collection.

RECORD SOURCE CATEGORIES:

EBR SOR receives biometric and associated biographic information from non-DHS entities that may be used by DHS for a wide array of purposes, including those listed in the purpose(s) of the system stated above. EBR maintains records in accordance with the terms of the agreements or arrangements under which partners provide the external information to DHS. Records from external Federal partners include information from the following non-DHS systems of records, last published at:

- JUSTICE/INTERPOL–001 INTERPOL–United States National Central Bureau (USNCB) Records System, 75 FR 27821 (May 18, 2010) [Note: records shared with DHS include: law enforcement, intelligence, and national security records];
- JUSTICE/DOJ–005 Nationwide Joint Automated Booking System, 72 FR 3410 (Jan. 25, 2007), 71 FR 52821 (Sept. 7, 2006);
- JUSTICE/FBI–009 Next Generation Identification (NGI) System of Records (pending DOJ release);
- JUSTICE/FBI–019 Terrorist Screening Records System of Records, 76 FR 77847 (Dec. 14, 2011);
- A0025–2 SAIS DoD Defense Biometric Services, 74 FR 48237 (Sept. 22, 2009);
- A0025–2 PMG (DFBA) DoD Defense Biometric Identification Records System, 80 FR 8292 (Feb. 17, 2015);
- STATE–39 Visa Records 60 FR 39469 (Oct. 25, 2012);
- STATE–36, Security Records 80 FR 77691 (Dec. 15, 2015).

EBR SOR receives biometric and associated biographic information from foreign partners consistent with various international information sharing and access agreements or arrangements on file with DHS Office of Policy, International Affairs.

EBR SOR receives biometric and associated biographic information from State and local partners consistent with various law enforcement information sharing and access agreements or arrangements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information

contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including Offices of the U.S. Attorneys, or other federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any Component thereof;

2. Any employee or former employee of DHS in his/her official capacity;

3. Any employee or former employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or

4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. secs. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when (1) DHS suspects or has confirmed that there has been a breach of the system of records; (2) DHS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DHS (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

F. To another Federal agency or Federal entity, when DHS determines that information from this system of records is reasonably necessary and otherwise compatible with the purpose of collection to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

G. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

H. To an appropriate Federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

I. To an appropriate Federal, State, local, tribal, foreign, or international agency, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit, or if the information is relevant and necessary to a DHS decision concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit and when disclosure is appropriate to the proper performance of the official duties of the person making the request.

J. To a Federal, State, or local agency, or other appropriate entities or individuals, or through established liaison channels to selected foreign governments, in order to provide intelligence, counterintelligence, or other information for the purposes of intelligence, counterintelligence, or antiterrorism activities authorized by U.S. law, Executive Order (E.O.), or other applicable national security directive.

K. To Federal and foreign government intelligence or counterterrorism agencies or Components when DHS reasonably believes there to be a threat or potential threat to national or international security for which the information may be useful in countering the threat or potential threat, or when disclosure supports the conduct of national intelligence and security investigations or assists in anti-terrorism efforts.

L. To a foreign government to notify it concerning its citizens or residents who are incapacitated, unaccompanied minors, or deceased.

M. To appropriate Federal, State, local, tribal, or foreign governmental agencies or multilateral governmental organizations, with the approval of the Chief Privacy Officer, when DHS identifies a need to use relevant data for purposes of testing new technology.

N. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DHS, or when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute a clearly unwarranted invasion of personal privacy.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

DHS stores records in this system electronically in secure facilities protected through multi-layer security mechanisms and strategies that are physical, technical, administrative, and environmental in nature. The records may be stored on magnetic disc, tape, and digital media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by biometrics or select personal identifiers, including but not limited to names, identification numbers, dates of birth, nationality, document number, and address.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Record Schedule DAA–0563–2013–0001 for DHS's biometric and biographic records used for national security, law enforcement, immigration, and other functions consistent with DHS authorities has been approved by National Archives and Records Administration (NARA). EBR records include:

1. Law Enforcement Records: Identification, investigation, apprehension, and/or removal of aliens unlawfully entering or present in the United States and facilitate legal entry of individuals into the United States, which must be destroyed or deleted 75

years after the end of the calendar year in which the data is gathered.

2. Records related to the analysis of relationship patterns among individuals and organizations that are indicative of violations of the customs and immigration laws including possible terrorist threats from non-obvious relationships and specific leads and law enforcement intelligence for active and new investigations. These records must be destroyed or deleted 15 years after the end of calendar year of last use of individual's data.

The latent biometric retention schedule is currently in development with OBIM Headquarters and will be submitted thereafter to NARA for approval.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

DHS safeguards records in this system according to applicable rules and policies, including all applicable DHS automated systems security and access policies. DHS has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RECORD ACCESS PROCEDURES:

The Secretary of Homeland Security has exempted this system from the notification, access, and amendment procedures of the Privacy Act, and consequently the Judicial Redress Act if applicable, because it is a law enforcement system. However, DHS will consider individual requests to determine whether or not information may be released. Thus, individuals seeking access to and notification of any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Chief Privacy Officer and FOIA Officer, whose contact information can be found at *http://www.dhs.gov/foia* under ''Contacts Information.'' If an individual believes more than one Component maintains Privacy Act records concerning him or herself, the individual may submit the request to the Chief Privacy Officer and Chief Freedom of Information Act Officer, Department of Homeland Security, Washington, DC 20528–0655. Even if neither the Privacy Act nor the Judicial Redress Act provide a right of access, certain records about the individual may be available under the Freedom of Information Act.

When seeking records about one from this system of records or any other Departmental system of records, the request must conform with the Privacy Act regulations set forth in 6 CFR part 5. The individual must first verify his or her identity, meaning that he or she must provide his or her full name, current address, and date and place of birth. The individual must sign the request, and the signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, an individual may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov/foia* or 1–866–431–0486. In addition, the individual should:

- Explain why he or she believe the Department would have information being requested;
- Identify which Component(s) of the Department he or she believes may have the information;
- Specify when you believe the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS Component agency may have responsive records;

If the request is seeking records pertaining to another living individual, the person seeking the records must include a statement from the subject individual certifying his/her agreement for the requestor to access his or her records.

Without the above information, the Component(s) may not be able to conduct an effective search, and the request may be denied due to lack of specificity or lack of compliance with applicable regulations.

CONTESTING RECORD PROCEDURES:

For records covered by the Privacy Act or covered JRA records, see ''Record Access Procedures'' above, and 6 CFR part 5.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures.''

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(j)(2), has exempted this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (c)(4); (d); (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), and (e)(8); (f); and (g)(1) through (5). Additionally, the Secretary of Homeland Security, pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), has exempted this system from the following provisions of the Privacy Act, 5 U.S.C. 552a(c)(3); (d); (e)(1), (e)(4)(G), (e)(4)(H); and (f).

Exemptions from these particular subsections are justified on a case-by-case basis determined at the time a request is made. When this system receives a record from another system exempted in that source system under 5 U.S.C. 552a(j)(2), DHS will claim the same exemptions for those records that are claimed for the original primary systems of records from which they originated and claim any additional exemptions set forth here.

HISTORY:

Records in this System of Records were previously covered under DHS/US–VISIT–001 DHS Automated Biometric Identification System (IDENT), 72 FR 31080 (June 5, 2007).

Philip S. Kaplan,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2018–08453 Filed 4–23–18; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

[DHS–2018–0021]

Agency Information Collection Activities: Case Assistance Form (Ombudsman Form DHS–7001, and Instructions)

AGENCY: Office of the Citizenship and Immigration Services Ombudsman, Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments; Extension of a currently approved collection, 1601–0004.

SUMMARY: The DHS Office of the Citizenship and Immigration Services (CIS) Ombudsman, will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collected on this form will allow the CIS Ombudsman to identify the problem as either a case problem, which is a request for information about a case that was filed with U.S. Citizenship and Immigration Services (USCIS) (''case problem''); or a systemic issue that may or may not pertain to an individual case which the individual, attorney or employer is seeking to bring to the attention of the CIS Ombudsman (''trend'').

DATES: Comments are encouraged and will be accepted until June 25, 2018. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: You may submit comments, identified by DHS–2018–0021, at:

• *Federal eRulemaking Portal: http://www.regulations.gov*. Please follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number DHS–2018–0021. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Raymond Mills, (202) 357–8100, *Raymond.g.Mills@hq.dhs.gov*.

SUPPLEMENTARY INFORMATION: The CIS Ombudsman was created under section 452 of the Homeland Security Act of 2002 (Pub. L. 107–296) to: (1) Assist individuals and employers in resolving problems with the USCIS; (2) to identify areas in which individuals and employers have problems in dealing with USCIS; and (3) to the extent possible, propose changes in the administrative practices of USCIS to mitigate problems. This form is used by an applicant who is experiencing problems with USCIS during the processing of an immigration benefit.

The information collected on this form will allow the CIS Ombudsman to identify the problem as either: (1) A case problem which is a request for information about a case that was filed with USCIS (''case problem''); or (2) the identification of a systemic issue that may or may not pertain to an individual case which the individual, attorney or employer is seeking to bring to the attention of the CIS Ombudsman (''trend'').

For case problems, the CIS Ombudsman will refer case specific issues to the Customer Assistance Office for USCIS for further research, and review.

For trends received, the CIS Ombudsman notes the systemic issue identified in the correspondence which may or may not be incorporated into future recommendations submitted to the Director of USCIS pursuant to section 452(d)(4) of Public Law 107–296.

The use of this form provides the most efficient means for collecting and processing the required data. The CIS Ombudsman also employs the use of information technology in collecting and processing information by offering the option for electronic submission of the DHS Form 7001 through the Ombudsman Online Case Assistance System. Per PRA requirements, a fillable PDF version of the form is provided on the CIS Ombudsman's website. The PDF form can be completed online, printed out and sent to the CIS Ombudsman's office at the address indicated on the form. It is noted on the form that using the paper method can result in significant processing delays for the CIS Ombudsman's office to provide the requested case assistance. After approval of the changes to the form detailed in this supporting statement, both the online form and PDF will be updated and posted on the Ombudsman's website at *http://www.dhs.gov/case-assistance* for submission of the form.

The assurance of confidentiality provided to the respondents for this information collection is provided by: (a) The CIS Ombudsman authorizing legislation and mandate as established by Homeland Security Act of 2002 at Section 452; (b) the Privacy Impact Assessment and the (c) Systems of Records Notice titled ''Department of Homeland Security Citizenship and Immigration Services Ombudsman–001 Online Ombudsman Form DHS–7001 and Ombudsman Case Assistance Online System of Records''. The DHS Privacy Office will receive the entire package of documents for this information collection to assure authorization for renewal of the collection.

The Ombudsman Form DHS–7001 (PDF) and the Ombudsman Case Assistance Online System are constructed in compliance with all applicable DHS Privacy Office, DHS CIO, DHS Records Management, and OMB regulations regarding data collection, use, storage, and retrieval. The proposed public use data collection system is therefore intended to be distributed for public use primarily by electronic means with limited paper distribution and processing of paper forms.

The Ombudsman Form DHS–7001 (PDF) and the Online Ombudsman Form DHS–7001 (Ombudsman Case Assistance Online System) have been constructed in compliance with regulations and authorities under the purview of the DHS Privacy Office, DHS CIO, DHS Records Management, and OMB regulations regarding data collection, use, sharing, storage, information security and retrieval of information.

There has been an increase of 3,200 in the estimated annual burden hours previously reported for this information collection. The increase in burden hours is a reflection of agency estimates.

There is no change in the information being collected, however there have been cosmetic changes to the form including punctuation, formatting, and text changes to make the form more understandable and streamlined for use by respondents. In 2015, the following changes were made:

a. Number of response fields was reduced from 13 to 12 and arranged in a way that streamlines completion, submission and processing of the form.

b. The title of the form was changed from ''Case Problem Submission Worksheet (CIS Ombudsman Form DHS–7001)'' to ''Case Assistance Form (Ombudsman Form DHS–7001)''.

c. The name of the system was changed from ''Virtual Ombudsman System'' to ''Ombudsman Case Assistance Online System''.

The following narrative explains the changes made on the form in 2015 and the corresponding instructions. The ORIGINAL 7001 form had the sections arranged in the following order:

1. *Name:* Please identify the individual or employer encountering difficulties with USCIS (applicant/beneficiary/petitioner).

2. *Contact Information:* Please provide information on the individual or employer encountering difficulties with USCIS (applicant/beneficiary/petitioner).

3. Date of Birth.

4. Country of Birth and Citizenship.

5. Alien Registration Number (A-Number); The A-number appears in the following format: A123–456–789.

6. *Person Preparing This Form:* Please indicate who is completing this form.

7. *Applications/Petitions Filed:* List all applications and/or petitions pending with USCIS related to your case inquiry.

8. *Type of Immigration Benefit:* Please provide the type of immigration benefit sought from USCIS.

9. *Reason for Inquiry:* Please indicate if any of the options apply. Provide a description in section 10.

10. *Description:* Describe the difficulties experienced with USCIS. Attach additional pages if needed.

11. *Prior Actions Taken:* Check all that apply: Please describe the response USCIS provided and attach any relevant correspondence.

12. *Consent:* If you are the beneficiary of an immigration petition, consent of the individual who submitted the petition on your behalf is required. The petitioner must sign.

13. *Attorney or Accredited Representative:* Please complete this section if you are an attorney, a representative of an organization, an accredited representative, or anyone

else preparing this form on behalf of the individual or employer encountering difficulties with USCIS.

The AMENDED 7001 form has the sections arranged in the following order:

1. *Name:* Please identify the name of the individual or employer (applicant/beneficiary/petitioner) encountering or difficulties with USCIS. Do not enter the attorney/law firm's name here.

2. *Date of Birth:* Country of Birth: Country of Citizenship.

3. Alien Registration Number (A-Number); The A-number appears in the following format: A123–456–789.

4. *Contact Information:* Please provide the contact information of the individual or employer (applicant/beneficiary/petitioner) encountering difficulties with USCIS. Please include the primary E-Mail address for the CIS Ombudsman to provide updates.

5. *Applications/Petitions Filed:* List all applications and/or petitions pending with USCIS related to your case inquiry.

6. *Type of Immigration Benefit Sought:* Please provide the type of immigration benefit sought from USCIS.

7. *Reason for Inquiry/Case Assistance Request:* Check all that apply. Provide a description in section 8 and add documentation related to your inquiry.

8. *Description of your Case Problem:* Describe the difficulties experienced with USCIS including all responses USCIS provided. Attach relevant correspondence concerning actions taken to resolve the issue before submitting with the Ombudsman's Office including: Receipt notices; requests for evidence; decisions; notices and any other correspondence from USCIS about your case. Attach additional pages if needed.

9. *Prior Actions Taken to Remedy the Problem:* Check all that apply and provide the additional information requested for each selection in the space provided. Note that if selecting Option a ''Visited USCIS My Case Status at *www.uscis.gov*'', you must indicate what additional actions (b through g) were taken to remedy the problem before submitting the form to the Ombudsman.

a. Visited USCIS My Case Status at *http://www.uscis.gov/*.

b. Contacted the National Customer Service Center (NCSC) for information and/or assistance regarding this case at their toll-free number 1–800–375–5283. Provide SRMT Number.

c. Attended an InfoPass Appointment with USCIS. Provide InfoPass Number.

d. Sent an Email to USCIS. Provide date E-Mail sent: Provide USCIS Email address.

e. Contacted a U.S. Government Department or Agency for assistance. Provide name and contact information.

f. Contacted a U.S. Congressional Representative for assistance. Provide name and contact information.

g. Other. Please describe.

10. *Person Preparing This Form:* Please indicate who is completing this form.

11. *Attorney or Accredited Representative:* Please complete this section if you are an attorney, a representative of an organization, an accredited representative, or anyone else preparing this form on behalf of the individual or employer encountering difficulties with USCIS. Please attach copy of your Form G–28.

12. *Consent:* Please note that if you are the beneficiary of an immigration petition, consent of the individual or employer that submitted the petition on your behalf is required. The petitioner must sign.

The instructions have been updated to reflect the electronic submission options as detailed in the previous paragraphs.

Instructions for electronic submission will be posted on the CIS Ombudsman website at *www.dhs.gov/cisombudsman*. The electronic version of the form was developed by DHS OCIO (Office of the Chief Information Officer) based upon the approved version of the amended 7001 form as described herein. Sample screenshots were provided with the 2015 submission.

There is no change in the terms of clearance from the previously approved collection as addressed by the: (a) Privacy Impact Assessment and (b) Systems of Records Notice titled ''Department of Homeland Security Citizenship and Immigration Services Ombudsman–001 Online Ombudsman Form DHS–7001 and Ombudsman Case Assistance Online System of Records''.

This is an extension of a currently approved collection, 1601–0004. OMB is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Office of the Citizenship and Immigration Services Ombudsman, DHS.

Title: Case Assistance Form (Ombudsman Form DHS–7001, and Instructions).

OMB Number: 1601–0004.

Frequency: Annually.

Affected Public: Individuals or Households.

Number of Respondents: 12,000.

Estimated Time per Respondent: 1 hour.

Total Burden Hours: 12,000.

Dated: April 13, 2018. .

Melissa Bruce,

Executive Director, Enterprise Business Management Office.

[FR Doc. 2018–08450 Filed 4–23–18; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6098–N–01]

Notice of Final Determination for the MOWA Band of Choctaw Indian Tribe's Request for Expansion of Their Formula Area

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: This notice advises the public that the MOWA Band of Choctaw Indian Tribe has requested an expansion of their Formula Area that will overlap with the Poarch Creek Tribe's Formula Area. HUD made a preliminary determination that the MOWA Band of Choctaw Indian Tribe met the requirements for expanding its Formula Area to include the balance of Mobile County, Alabama. Poarch Creek, an affected tribe was notified and had opportunity to comment. HUD received no comments from the affected tribe. Consistent with HUD regulations, HUD is announcing its final determination to grant the request of MOWA Band of Choctaw Indian Tribe.

DATES: Applicability Date: April 24, 2018.

FOR FURTHER INFORMATION CONTACT: Frederick Griefer, Director, Office of Grants Management, Office of Native

American Programs, Department of Housing and Urban Development, 451 Seventh Street SW, Room 9166, Washington, DC 20410, telephone 202–402–5186 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Indian Housing Block Grant (IHBG) program is authorized by section 302 of the Native American Housing Assistance and Self Determination Act of 1996 (NAHASDA). Under the Indian Housing Block Grant (IHBG) program, codified in 24 CFR part 1000.302, Indian tribes can request an expansion of their Formula Area that overlaps with another tribe's Formula Area. In accordance with 24 CFR 1000.326(a)(3), which became effective on December 22, 2016, State tribes are eligible to request and receive Formula Area that were already assigned to Federally recognized tribes. According to § 1000.326(a)(3), when a State recognized tribe's Formula Area overlaps with the Formula Area of a Federally recognized Indian tribe, the Federally recognized Indian tribe receives the allocation for the Formula Area up to its population cap, and the State recognized tribe receives the balance of the overlapping area (if any) up to its population cap.

Pursuant to 24 CFR 1000.302, if a tribe asks HUD for an expansion of their Formula Area, after HUD makes its preliminary determination, HUD must notify all potentially affected Indian tribes of the basis for its preliminary determination by certified mail and provide the Indian tribes with opportunity to comment for a period of not less than 90 days. After consideration of the comments, § 1000.302 requires HUD to publish the notice of final determination in the **Federal Register**.

On March 14, 2017, the MOWA Band of Choctaw Indian Tribe, a State recognized tribe, requested that their Formula Area be expanded to include the balance of Mobile County in the State of Alabama starting in Fiscal Year (FY) 2017. The portion of the county which is not reservation and trust lands is referred to as the balance of county. The Formula Area expansion requested by the MOWA Band of Choctaw Indian Tribe results in an overlapping Formula Area with the Poarch Creek Tribe, a Federally recognized tribe. In accordance with § 1000.326(a)(3), HUD made a preliminary determination on December 4, 2017, that the MOWA Band of Choctaw Indian Tribe meets the requirements for expanding its Formula Area to include the balance of Mobile County, Alabama. In accordance with § 1000.302, HUD notified the Poarch Creek Tribe about the basis for its preliminary determination by certified mail and provided opportunity to comment for a period of not less than 90 days. The required notification was sent to the Poarch Creek Tribe on December 4, 2017. As of March 5, 2018, no comments were received. Therefore, HUD made a final determination to add the balance of Mobile County, Alabama to the MOWA Band of Choctaw Indian Tribe's Formula Area starting in FY 2017. The Tribe submitted their request for FY 2017 determination, therefore this final determination will apply to the Tribe's request retroactively.

Dated: April 16, 2018.

Dominique Blom,

General Deputy Assistant Secretary for Public and Indian Housing.

[FR–6098–N–01]

[FR Doc. 2018–08546 Filed 4–23–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7005–N–08]

60-Day Notice of Proposed Information Collection: Management Reviews of Multifamily Housing Programs: HUD–9834

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* June 25, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Harry Messner, Office of Asset Management and Policy Oversight Division, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email: *harry.messner@hud.gov* or telephone, (202) 402–2626. This is not a toll-free number. Persons 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. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Management Review for Multifamily Housing Projects.

OMB Approval Number: 2502–0178.

Type of Request: Extension of currently approved collection.

Form Number: HUD–9834.

Description of the need for the information and proposed use: This information collection is used by HUD, by Mortgagees and by Contract Administrators (CAs) to evaluate the quality of project management; determine the causes of project problems; devise corrective actions to stabilize projects and prevent defaults; and to ensure that fraud, waste and mismanagement are not problems for the community. The information collected also supports enforcement actions when owners fail to implement corrective actions. ''HUD is currently engaged in rule making that would reduce the frequency of MORs for high-performing properties and consequently reduce the estimated total burden hours for this Collection. Changes to required frequencies for regularly-scheduled MORs are anticipated to be completed with publication of a final rule in 2018.''

Respondents (i.e. affected public): Business or other for-profit.

Estimated Number of Respondents: 27,127.

Estimated Number of Responses: 27,127.

Frequency of Response: Annually.

Average Hours per Response: 8.

Total Estimated Burden: 217,127.

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.

Dana T. Wade,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2018–08578 Filed 4–23–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2016–N236; FXES11130800000–189–FF08EVEN00]

Receipt of Application for Renewal of Incidental Take Permits; Interim Programmatic Low-Effect Habitat Conservation Plan for the Endangered Mount Hermon June Beetle and Ben Lomond Spineflower, Santa Cruz County and Scotts Valley, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit renewal application; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received requests from the County of Santa Cruz and City of Scotts Valley (applicants), for renewal of two incidental take permits under the Endangered Species Act of 1973, as amended. The applicants have requested a renewal that will extend permit authorization by 5 years from the date the permit is reissued. If renewed, no additional take above the original authorized limit of 139 acres of habitat will be authorized. The permits would authorize take of the federally endangered Mount Hermon June beetle, incidental to otherwise lawful activities associated with the Interim Programmatic Habitat Conservation Plan for the Endangered Mount Hermon June beetle and Ben Lomond spineflower.

DATES: Written comments should be received on or before May 24, 2018.

ADDRESSES: You may obtain copies of the permit renewal applications and the habitat conservation plan (HCP) on the internet at *http://www.fws.gov/ventura/,* or by writing to the Ventura Fish and Wildlife Office, Attn: Permit numbers TE43708A–0 and TE44928A–0, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003. In addition, we will make the permit renewal applications and HCP available for public inspection by appointment during normal business hours at the above address. Please address written comments to Stephen P. Henry, Field Supervisor, at the address above. Comments may also be sent by facsimile to (805) 644–3958.

FOR FURTHER INFORMATION CONTACT: Chad Mitcham, Fish and Wildlife Biologist, by mail to the address in **ADDRESSES** or by phone at (805) 677–3328.

SUPPLEMENTARY INFORMATION: We have received requests from the County of Santa Cruz and City of Scotts Valley (applicants) for renewal of incidental take permits TE43708A–0 and TE44928A–0 under the Endangered Species Act of 1973, as amended (Act). The applicants have requested renewals that would extend permit authorization by 5 years from the date the permit is reissued. The applicants have agreed to follow all of the existing habitat conservation plan conditions. If renewed, no additional take above the original authorized limit of 139 acres of habitat will be authorized. The permits would authorize take of the federally endangered Mount Hermon June beetle (*Polyphylla barbata*), incidental to otherwise lawful activities associated with the Interim Programmatic Habitat Conservation Plan for the Endangered Mount Hermon June Beetle and Ben Lomond Spineflower (HCP).

Background

The Mount Hermon June beetle was listed by the Service as endangered on January 24, 1997. The Ben Lomond spineflower (*Chorizanther pungens* var. *hartwegiana*) was listed by the Service as endangered on February 4, 1994. Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations prohibit the ''take'' of fish or wildlife species listed as endangered or threatened. ''Take'' is defined under the Act to include the following activities: ''[T]o harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the Act, we may issue permits to authorize incidental take of listed wildlife species. ''Incidental Take'' is defined by the Act as take that is incidental to, and not the purpose of, carrying out of an otherwise lawful activity. The Code of Federal Regulations provides regulations governing incidental take permits for threatened and endangered species at 50 CFR 17.32 and 17.22, respectively. Under the Act, protections for federally listed plants differ from the protections afforded to federally listed animals. Take of listed plant species is not prohibited under the Act and cannot be authorized under a section 10 permit. Listed plant species may be included on an incidental take permit in recognition of the conservation benefit provided to them under an HCP. Issuance of an incidental take permit also must not jeopardize the existence of federally listed fish, wildlife, or plant species. All species included in the incidental take permit would receive assurances under our ''No Surprises'' regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

The applicants have applied for renewal of their respective permits for incidental take of the endangered Mount Hermon June beetle. The potential taking would occur by activities associated with the construction of certain eligible small development projects in densely developed residential neighborhoods (as defined in the HCP) that support suitable habitat for the covered species. The 10 Project Units within the HCP boundary were identified within the communities of Ben Lomond, Felton, Mount Hermon, and Scotts Valley in Santa Cruz County, California. Incidental take permits were first issued for the HCP on October 27, 2011.

Public Comments

If you wish to comment on the permit applications, plans, and associated documents, you may submit comments by any one of the methods in **ADDRESSES**.

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, may

be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*).

Dated: April 18, 2018.

Stephen P. Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. 2018–08499 Filed 4–23–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2018–N029; FXES11130400000EA–123–FF04EF1000]

Endangered and Threatened Wildlife and Plants; Availability of Proposed Low-Effect Habitat Conservation Plan for the Sand Skink, Orange County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended. Orange County Public Schools (applicant) is requesting a 3-year ITP for take of the federally listed sand skink. We request public comment on the permit application, which includes a proposed habitat conservation plan, and on our preliminary determination that the plan qualifies as low effect under the National Environmental Policy Act. To make this determination, we used our environmental action statement and low-effect screening form, which are also available for review.

DATES: To ensure consideration, please send your written comments by May 24, 2018.

ADDRESSES: You may submit written comments and request copies of the application, including the HCP, as well as our environmental action statement or low-effect screening form, by any one of the following methods:

Email: northflorida@fws.gov. Use ''Attn: Permit number TE74732C–0'' as your subject line.

Fax: Field Supervisor, (904) 731–3191, ''Attn: Permit number TE74732C–0.''

U.S. mail: Field Supervisor, Jacksonville Ecological Services Field Office, Attn: Permit number TE74732C–0, U.S. Fish and Wildlife Service, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256.

In-person: You may deliver comments during regular business hours at the office address listed above under *U.S. mail.* You may inspect the application, HCP, environmental action statement, or low-effect screening form by appointment during normal business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Erin M. Gawera, telephone: (904) 731–3121; email: *erin_gawera@fws.gov*.

SUPPLEMENTARY INFORMATION:

Background

Section 9 of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. *et seq.*) and our implementing regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17 prohibit the ''take'' of fish and wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the ESA as ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532(19)). However, under limited circumstances, we issue permits to authorize incidental take, *i.e.,* take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Regulations governing incidental take permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively. The ESA's take prohibitions do not apply to federally listed plants on private lands unless such take would violate State law. In addition to meeting other criteria, the take authorized by an incidental take permit must not jeopardize the existence of federally listed fish, wildlife, or plants.

Applicant's Proposal

Orange County Public Schools is requesting an incidental take permit (ITP) to take sand skink (*Neoseps reynoldsi*) through the permanent destruction of approximately 5.3 acres (ac) of occupied foraging and sheltering habitat. The take would be incidental to the construction of a school and associated facilities in Orange County, Florida. The 26.0-ac habitat conservation plan (HCP) project site is located on Orange County Parcel No. 27232500000004, within Section 25, Township 23 South, Range 27 East. The project activities also include clearing, infrastructure building, and landscaping associated with constructing a school and associated facilities. The applicant proposes to mitigate for the take of the species by purchasing 10.6 mitigation credits within a Service-approved sand skink conservation bank.

Our Preliminary Determination

A low-effect HCP is one involving (1) minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources. We have determined that the applicant's proposed HCP, including the proposed mitigation and minimization measures, would have minor or negligible effects on the covered species and the environment so as to be ''low effect'' and qualify for categorical exclusion under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), as provided by Department of the Interior implementing regulations in part 46 of title 43 of the Code of Federal Regulations (43 CFR 46.205, 46.210, and 46.215).

Next Steps

We will evaluate the HCP and comments we receive to determine whether the ITP application meets the requirements of section 10(a) of the ESA. We will also conduct an intra-Service consultation to evaluate take of the sand skink in accordance with section 7 of the ESA. We will use the results of the consultation, in combination with the above findings, in our analysis of whether or not to issue the ITP. If the requirements are met, we will issue ITP number TE74732C–0 to the applicant.

Public Comments

If you wish to comment on the permit application, HCP, or associated documents, you may submit comments by any one of the methods listed in **ADDRESSES**.

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—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the ESA and NEPA regulation 40 CFR 1506.6.

Jay B. Herrington,

Field Supervisor, Jacksonville Field Office, Southeast Region.

[FR Doc. 2018–08494 Filed 4–23–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX18GC009PLFM00]

Public Meeting of the National Cooperative Geologic Mapping Program (NCGMP) and National Geological and Geophysical Data Preservation Program (NGGDPP) Advisory Committee

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the U.S. Geological Survey (USGS) is publishing this notice to announce that a Federal Advisory Committee meeting of the NCGMP and NGGDPP will take place.

DATES: The meeting will be held on Tuesday and Wednesday, May 1st and 2nd, 2018, from approximately 9:00 a.m. EST to 4:00 p.m. EST.

ADDRESSES: The meeting will be held at the USGS National Center, 12201 Sunrise Valley Drive, Reston, VA 20192.

FOR FURTHER INFORMATION CONTACT: Michael J. Marketti, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 908, Reston, VA 20192, by email at *mmarketti@usgs.gov,* or by telephone at 703–648–6976.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552B, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The NCGMP and NGGDPP Federal Advisory Committee will meet to hear updates on progress of the NCGMP towards fulfilling the purposes of the National Geologic Mapping Act of 1992, as well as updates on the NGGDPP towards fulfilling the purposes of the Energy Policy Act of 2005. The Committee, comprised of representatives from Federal agencies, State agencies, academic institutions, and private companies, shall advise the Director of the U.S. Geological Survey on planning and implementation of the geologic mapping and data preservation programs.

Agenda: Introductions/Update on NGGDPP/Future Planning for NGGDPP and discussion/Update on NCGMP/Future Planning for NCGMP and discussion/other topics to be determined.

Meeting Accessibility/Special Accommodations: The meeting is open to the public on both days from approximately 9:00 a.m. to 4:00 p.m. and seating is on a first-come basis. Members of the public wishing to attend the meeting or wanting to receive call-in information or a link to the live stream webcast should contact Michael J. Marketti by email at *mmarketti@usgs.gov* to register no later than five (5) business days prior to the meeting. Individuals requiring special accommodations to access the public meeting should contact Michael J. Marketti at the email stated above or by telephone at 703–648–6976 at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Public Disclosure of Comments: Time will be allowed at the meeting for any individual or organization wishing to make formal oral comments. To allow for full consideration of information by the committee members, written notice must be provided to Michael J. Marketti, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 908, Reston, VA 20192; by email at *mmarketti@usgs.gov;* or by telephone at 703–648–6976, at least five (5) business days prior to the meeting. Any written comments received will be provided to the committee members.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Michael Marketti,

NCGMP Program Analyst, NCGMP/NGGDPP Federal Advisory Committee Administrative Officer.

[FR Doc. 2018–08458 Filed 4–23–18; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO310000.L13100000.PP0000.18X; OMB Control Number 1004–0034]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Oil and Gas, or Geothermal Resources; Transfers and Assignments

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 24, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to the BLM at U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW, Room 2134LM, Washington, DC 20240, Attention: Jean Sonneman; or by email to *jesonnem@blm.gov.* Please reference OMB Control Number 1004–0034 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jennifer Spencer by email at *j35spenc@blm.gov,* or by telephone at 202–912–7146. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format. A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on January 26, 2018 (83 FR 3765), and the comment

period ended March 27, 2018. The BLM received no comments. We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BLM; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BLM enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BLM minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: This collection of information enables the BLM to process assignments of record title interest and transfers of operating rights in a lease for oil and gas or geothermal resources. Each assignment or transfer is a contract between private parties but, by law, must be approved by the Secretary. The BLM uses information about assignments and transfers to prevent unlawful extraction of mineral resources, to ensure prompt payment of rentals and royalties for the rights obtained under a Federal lease, and to ensure that leases are not encumbered with agreements that cause the minerals to be uneconomical to produce, resulting in lost revenues to the Federal Government. The information also enables the BLM to ensure the assignee or transferee is in compliance with the bonding requirements, when necessary, before approval of the transfer or assignment.

Title of Collection: Oil, Gas, and Geothermal Resources: Transfers and Assignments.

OMB Control Number: 1004–0034.

Form Numbers: 3000–3 and 3000–3a.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Assignors and assignees of record title interest in a lease for oil and gas or geothermal resources; and transferors and transferees of operating rights (sublease) in a lease for oil and gas or geothermal resources.

Total Estimated Number of Annual Respondents: 17,626.

Total Estimated Number of Annual Responses: 17,626.

Estimated Completion Time per Response: 30 minutes.

Total Estimated Number of Annual Burden Hours: 8,813.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $1,674,470.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 2018–08534 Filed 4–23–18; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO31000.L13100000.PB0000.18X; OMB Control Number 1004–0185]

Agency Information Collection Activities; Onshore Oil and Gas Leasing and Drainage Protection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Land Management (BLM), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 25, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to the U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW, Room 2134LM, Washington, DC 20240, Attention: Jean Sonneman; or by email to *jesonnem@blm.gov.* Please reference OMB Control Number 1004–0185 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jennifer Spencer by email at *j35spenc@blm.gov,* or by telephone at 202–912–7146.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BLM; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BLM enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BLM minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The BLM collects information under control number 1004–0185 in order to monitor and enforce compliance with drainage protection and other requirements pertaining to Federal and Indian oil and gas leasing and operations (except on the Osage Reservation). Collecting the information is necessary for compliance with several statutes, including the Mineral Leasing Act (30 U.S.C. 181 *et seq.*) and the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1701–1758).

Title of Collection: Onshore Oil and Gas Leasing and Drainage Protection.

OMB Control Number: 1004–0185.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Onshore Federal and Indian oil and gas lessees (except on the Osage

Reservation), operators, and operating rights owners.

Total Estimated Number of Annual Respondents: 19,711.

Total Estimated Number of Annual Responses: 19,711.

Estimated Completion Time per Response: Varies from 1 to 24 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 42,935.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: On occasion, except for the activity titled ''Option statement,'' which is required twice a year.

Total Estimated Annual Nonhour Burden Cost: $2,976,683.55.

The following table details the individual components and respective hour burdens of this information collection request:

Type of response A.	Number of responses B.	Hours per response C.	Total hours (Column B × Column C) D.
Notice of option holdings, 43 CFR 3100.3–1(b)	1	1	1
Option statement, 43 CFR 3100.3–3	1	1	1
Proof of acreage reduction, 43 CFR 3101.2–4(a)	1	1	1
Excess acreage petition, 43 CFR 3101.2–4(a)	1	1	1
Ad hoc acreage statement, 43 CFR 3101.2–6	1	1	1
Joinder evidence statement, 43 CFR 3101.3–1	50	1	50
Waiver, suspension, or reduction of rental or royalty, 43 CFR 3103.4–1	453	2	906
Communitization or drilling agreements, 43 CFR 3105.2	178	2	356
Operating, drilling, or development contracts, 43 CFR 3105.3	1	1	1
Application to combine interests for joint refining or transportation of oil, 43 CFR 3105.4	1	1	1
Subsurface storage application, 43 CFR 3105.5	1	1	1
Consolidation of leases, 43 CFR 3105.6	12	1	12
Heirs and devisees, 43 CFR 3106.8–1	86	1	86
Change of name, 43 CFR 3106.8–2	10,668	1	10,668
Corporate merger notice, 43 CFR 3106.8–3	4,184	1	4,184
Lease renewal application, 43 CFR 3107.8	1	1	1
Relinquishment, 43 CFR 3108.1	176	1	176
Class I reinstatement petition, 43 CFR 3108.2–2	11	3	33
Class II reinstatement petition, 43 CFR 3108.2–3	66	3	198
Class III reinstatement petition, 43 CFR 3108.2–4	1	1	1
Application for lease under right-of-way, 43 CFR 3109.1	38	8	304
Lands available for competitive leasing, 43 CFR 3120.1–1(e)	1,380	8	11,040
Protests and appeals, 43 CFR 3120.1–3	1,289	8	10,312
Preliminary drainage protection report, 43 CFR 3162.2–9	1,000	2	2,000
Detailed drainage protection report, 43 CFR 3162.2–9	100	24	2,400
Additional drainage protection report, 43 CFR 3162.2–9	10	20	200
Totals	19,711		42,935

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 2018–08533 Filed 4–23–18; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–CR–25249; PPWOCRADI0, PCU00RP14.R50000 (188); OMB Control Number 1024–0018]

Agency Information Collection Activities; Nomination of Properties for Listing in the National Register of Historic Places

AGENCY: National Park Service, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the National Park Service is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 25, 2018.

ADDRESSES: Send your comments on the Information Collection Request (ICR) by mail to Tim Goddard, Information Collection Clearance Officer, National Park Service, 12201 Sunrise Valley Drive, MS–242, Reston, VA 20192 (mail); or by email to *tim_goddard@nps.gov*. Please reference OMB Control Number 1024–0018 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Lisa Deline, Architectural Historian, National Register of Historic Places, by email at *Lisa_Deline@nps.gov,* or by telephone at 202–354–2239.

SUPPLEMENTARY INFORMATION: We, the National Park Service (NPS), in accordance with the Paperwork Reduction Act of 1995, provide the general public and other Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our

information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the NPS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the NPS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the NPS minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

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.

Title of Collection: Nomination of Properties for Listing in the National Register of Historic Places.

OMB Control Number: 1024–0018.

Form Number: 10–900; 10–900a; 10–900b.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals, Private Sector, and Government.

Total Estimated Number of Annual Responses: 2,564.

Total Estimated Number of Annual Burden Hours: 226,672.

Total Estimated Number of Annual Respondents: 2,564.

Estimated Completion Time per Response: Varies from 6 hours to 250 hours depending on activity.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $0.00.

Abstract: The National Register of Historic Places (National Register) is the official Federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture. National Register properties have significance to the history of communities, States, or the Nation. The National Historic Preservation Act of 1966 requires the Secretary of the Interior to maintain and expand the National Register, and to establish criteria and guidelines for including properties on the National Register. National Register properties must be considered in the planning for Federal or federally assisted projects, and listing in the National Register is required for eligibility for Federal rehabilitation tax incentives. The NPS administers the National Register. Nominations for listing historic properties come from State Historic Preservation Officers (SHPO), from Federal Preservation Officers (FPO), for properties owned or controlled by the United States Government, and from Tribal Historic Preservation Officers (THPO), for properties on tribal lands. Private individuals and organizations, local governments, and American Indian tribes often initiate this process and prepare the necessary documentation. Regulations at 36 CFR 60 and 63 establish the criteria and guidelines for listing and for determining the eligibility of properties. We use three forms for nominating properties and providing documentation for the proposed listings:

- NPS Form 10–900 (National Register of Historic Places Registration Form).
- NPS Form 10–900–a (National Register of Historic Places Continuation Sheet).
- NPS Form 10–900–b (National Register of Historic Places Multiple Property Documentation Form).

This Notice provides additional information regarding the packages submitted to the NPS and to expand the details for our burden from the original Notice published on January 28, 2015 (80 FR 4589). The following are the five types of package submissions the NPS receives from the SHPOs, FPOs, and/or THPOs with the respective burden estimates broken down by state in Section II below:

- 36 CFR 60 and 63, National Register of Historic Places Registration Nomination Form; Continuation Sheet; NR Multiple Property Submission Multiple Property Documentation Form Submitted to State & Local Gov't by Individuals or Households (Forms 10–900, 10–900–a and 10–900–b)—packages submitted by nonconsultants;
- Individual Nominations Submitted to State & Local Gov't by Consultants (Forms 10–900 and 10–900–a)—Packages submitted by paid consultants;
- District Nominations Submitted to State and Local Gov't by Consultants (Form 10–900 and 10–900–a)—Packages submitted by paid consultants;
- Nominations Submitted under Existing MPS Covers to State & Local Gov't by Consultants (Forms 10–900 and 10–900–a)—Packages submitted by paid consultants; and
- Newly Proposed MPS Cover Document Submitted to State & Local Gov't by Consultants (Forms 10–900–b and 10–900–a)—Packages submitted by paid consultants.

These forms and supporting documentation go to the State Historic Preservation Office (SHPO) of the State [or FPO, or THPO, respectively] where the property is located. The SHPO, FPO, or THPO can take one of several options: reject the property, ask for more information, (or in the case of the SHPO, list the property just with the State), or send the forms to us for listing on the National Register. An appeals process is also available to any person or local government for the failure or refusal of a nominating authority to nominate a property. Once the NPS receive the forms, the NPS conducts a similar review process.

Listing on the National Register provides formal recognition of a property's historical, architectural, or archeological significance based on national standards used by every State. The listing places no obligations on private property owners, and there are no restrictions on the use, treatment, transfer, or disposition of private property.

The authorities for this action are the 36 CFR 60 and 63 and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

Tim Goddard,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2018–08457 Filed 4–23–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–SER–CARL–24587; PX.XCARLFA18.00.1]

Minor Boundary Revision at Carl Sandburg Home National Historic Site

AGENCY: National Park Service, Interior.

ACTION: Notification of boundary revision.

SUMMARY: The boundary of the Carl Sandburg Home National Historic Site is

modified to include an additional 4.84 acres of land that is immediately adjacent to the southeast boundary of the historic site. The United States by will acquire, by donation, the tract from the current owner, Wells Fargo Bank. This property will be included within the Carl Sandburg Home National Historic Site upon completion of the minor boundary adjustment.

DATES: The applicable date of this boundary revision is April 24, 2018.

ADDRESSES: The map depicting this boundary revision is National Park Service, Southeast Region Land Resources Program Center, 1924 Building, 100 Alabama Street SW, Atlanta, Georgia 30303 and National Park Service, Department of the Interior, 1849 C Street NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: National Park Service, Anthony B. Marshall, Acting Chief, Southeast Region Land Resources Program Center, 1924 Building, 100 Alabama Street SW, Atlanta, Georgia 30303, telephone 404–507–5659.

SUPPLEMENTARY INFORMATION: Specifically, 54 U.S.C. 100506(c)(1) provides that, after notifying the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior is authorized to make this boundary revision upon publication of notice in the **Federal Register**. The boundary revision is depicted on Map No. 445/135,029 dated May 2017.

The Committees have been notified of this boundary revision. This boundary revision and subsequent acquisition of Tract 01–110 will enable the National Park Service to manage and protect significant resources located in the Carl Sandburg Home National Historic Site.

Dated: March 28, 2018.

Lance Hatten,

Acting Regional Director, Southeast Region.

[FR Doc. 2018–08449 Filed 4–23–18; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

Summary of Commission Practice Relating to Administrative Protective Orders

AGENCY: U.S. International Trade Commission.

ACTION: Summary of Commission practice relating to administrative protective orders.

SUMMARY: Since February 1991, the U.S. International Trade Commission (''Commission'') has published in the **Federal Register** reports on the status of its practice with respect to violations of its administrative protective orders (''APOs'') under title VII of the Tariff Act of 1930, in response to a direction contained in the Conference Report to the Customs and Trade Act of 1990. Over time, the Commission has added to its report discussions of APO breaches in Commission proceedings other than under title VII and violations of the Commission's rules including the rule on bracketing business proprietary information (''BPI'') (the ''24-hour rule''). This notice provides a summary of breach investigations (APOB investigations) completed during calendar year 2016. This summary addresses two APOB investigations related to proceedings under title VII of the Tariff Act of 1930 and seven APOB investigations related to proceedings under section 337 of the Tariff Act of 1930, two of which were combined and which were related to the same proceedings under section 337. The Commission investigated rules violations as part of two of the APOB investigations. The Commission intends that this report inform representatives of parties to Commission proceedings as to some specific types of APO breaches encountered by the Commission and the corresponding types of actions the Commission has taken.

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 205–3427. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at (202) 205–1810. General information concerning the Commission can also be obtained by accessing its website (*https://www.usitc.gov*).

SUPPLEMENTARY INFORMATION: Representatives of parties to investigations or other proceedings conducted under title VII of the Tariff Act of 1930, section 337 of the Tariff Act of 1930, the North American Free Trade Agreement (NAFTA) Article 1904.13, and safeguard-related provisions such as section 202 of the Trade Act of 1974, may enter into APOs that permit them, under strict conditions, to obtain access to BPI (title VII) and confidential business information (''CBI'') (safeguard-related provisions and section 337) of other parties or non-parties. *See, e.g.,* 19 U.S.C. 1677f; 19 CFR 207.7; 19 U.S.C. 1337(n); 19 CFR. 210.5, 210.34; 19 U.S.C. 2252(i); 19 CFR 206.17; 19 U.S.C. 1516a(g)(7)(A); and 19 CFR 207.100, *et. seq.* The discussion below describes APO breach investigations that the Commission has completed during calendar year 2016, including a description of actions taken in response to these breaches.

Since 1991, the Commission has published annually a summary of its actions in response to violations of Commission APOs and rule violations. *See* 56 FR 4846 (February 6, 1991); 57 FR 12335 (April 9, 1992); 58 FR 21991 (April 26, 1993); 59 FR 16834 (April 8, 1994); 60 FR 24880 (May 10, 1995); 61 FR 21203 (May 9, 1996); 62 FR 13164 (March 19, 1997); 63 FR 25064 (May 6, 1998); 64 FR 23355 (April 30, 1999); 65 FR 30434 (May 11, 2000); 66 FR 27685 (May 18, 2001); 67 FR 39425 (June 7, 2002); 68 FR 28256 (May 23, 2003); 69 FR 29972 (May 26, 2004); 70 FR 42382 (July 25, 2005); 71 FR 39355 (July 12, 2006); 72 FR 50119 (August 30, 2007); 73 FR 51843 (September 5, 2008); 74 FR 54071 (October 21, 2009); 75 FR 54071 (October 27, 2010), 76 FR 78945 (December 20, 2011), 77 FR 76518 (December 28, 2012), 78 FR 79481 (December 30, 2013), 80 FR 1664 (January 13, 2015), 81 FR 17200 (March 28, 2016), and 82 FR 29322 (June 28, 2017). This report does not provide an exhaustive list of conduct that will be deemed to be a breach of the Commission's APOs. APO breach inquiries are considered on a case-by-case basis.

As part of the effort to educate practitioners about the Commission's current APO practice, the Commission Secretary issued in March 2005 a fourth edition of *An Introduction to Administrative Protective Order Practice in Import Injury Investigations* (Pub. No. 3755). This document is available upon request from the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, tel. (202) 205–2000 and on the Commission's website at *http://www.usitc.gov.*

I. In General

A. Antidumping and Countervailing Duty Investigations

The current APO form for antidumping and countervailing duty investigations, which was revised in March 2005, requires the applicant to swear that he or she will:

(1) Not divulge any of the BPI disclosed under this APO or otherwise obtained in this investigation and not otherwise available to him or her, to any person other than—

(i) Personnel of the Commission concerned with the investigation,

(ii) The person or agency from whom the BPI was obtained,

(iii) A person whose application for disclosure of BPI under this APO has been granted by the Secretary, and

(iv) Other persons, such as paralegals and clerical staff, who (a) are employed or supervised by and under the direction and control of the authorized applicant or another authorized applicant in the same firm whose application has been granted; (b) have a need thereof in connection with the investigation; (c) are not involved in competitive decision making for an interested party which is a party to the investigation; and (d) have signed the acknowledgment for clerical personnel in the form attached hereto (the authorized applicant shall also sign such acknowledgment and will be deemed responsible for such persons' compliance with this APO);

(2) Use such BPI solely for the purposes of the above-captioned Commission investigation or for judicial or binational panel review of such Commission investigation;

(3) Not consult with any person not described in paragraph (1) concerning BPI disclosed under this APO or otherwise obtained in this investigation without first having received the written consent of the Secretary and the party or the representative of the party from whom such BPI was obtained;

(4) Whenever materials *e.g.,* documents, computer disks, etc. containing such BPI are not being used, store such material in a locked file cabinet, vault, safe, or other suitable container (N.B.: Storage of BPI on so-called hard disk computer media is to be avoided, because mere erasure of data from such media may not irrecoverably destroy the BPI and may result in violation of paragraph C of this APO);

(5) Serve all materials containing BPI disclosed under this APO as directed by the Secretary and pursuant to section 207.7(f) of the Commission's rules;

(6) Transmit each document containing BPI disclosed under this APO:

(i) With a cover sheet identifying the document as containing BPI,

(ii) with all BPI enclosed in brackets and each page warning that the document contains BPI,

(iii) if the document is to be filed by a deadline, with each page marked ''Bracketing of BPI not final for one business day after date of filing,'' and

(iv) if by mail, within two envelopes, the inner one sealed and marked ''Business Proprietary Information—To be opened only by [name of recipient]'', and the outer one sealed and not marked as containing BPI;

(7) Comply with the provision of this APO and section 207.7 of the Commission's rules;

(8) Make true and accurate representations in the authorized applicant's application and promptly notify the Secretary of any changes that occur after the submission of the application and that affect the representations made in the application (*e.g.,* change in personnel assigned to the investigation);

(9) Report promptly and confirm in writing to the Secretary any possible breach of this APO; and

(10) Acknowledge that breach of this APO may subject the authorized applicant and other persons to such sanctions or other actions as the Commission deems appropriate, including the administrative sanctions and actions set out in this APO.

The APO form for antidumping and countervailing duty investigations also provides for the return or destruction of the BPI obtained under the APO on the order of the Secretary, at the conclusion of the investigation, or at the completion of Judicial Review. The BPI disclosed to an authorized applicant under an APO during the preliminary phase of the investigation generally may remain in the applicant's possession during the final phase of the investigation.

The APO further provides that breach of an APO may subject an applicant to:

(1) Disbarment from practice in any capacity before the Commission along with such person's partners, associates, employer, and employees, for up to seven years following publication of a determination that the order has been breached;

(2) Referral to the United States Attorney;

(3) In the case of an attorney, accountant, or other professional, referral to the ethics panel of the appropriate professional association;

(4) Such other administrative sanctions as the Commission determines to be appropriate, including public release of, or striking from the record any information or briefs submitted by, or on behalf of, such person or the party he represents; denial of further access to business proprietary information in the current or any future investigations before the Commission, and issuance of a public or private letter of reprimand; and

(5) Such other actions, including but not limited to, a warning letter, as the Commission determines to be appropriate.

APOs in safeguard investigations contain similar though not identical provisions.

B. Section 337 Investigations

The APOs in section 337 investigations differ from those in title VII investigations as there is no set form and provisions may differ depending on the investigation and the presiding administrative law judge. However, in practice, the provisions are often quite similar. All persons seeking access to CBI during a section 337 investigation (including outside counsel for parties to the investigation, secretarial and support personnel assisting such counsel, and technical experts and their staff who are employed for the purposes of the investigation) are required to read the APO, agree to its terms by letter filed with the Secretary of the Commission indicating that they agree to be bound by the terms of the Order, agree not to reveal CBI to anyone other than another person permitted access by the Order, and agree to utilize the CBI solely for the purposes of that investigation.

In general, an APO in a section 337 investigation will define what kind of information is CBI and direct how CBI is to be designated and protected. The APO will state which persons will have access to the CBI and which of those persons must sign onto the APO. The APO will provide instructions on how CBI is to be maintained and protected by labeling documents and filing transcripts under seal. It will provide protections for the suppliers of CBI by notifying them of a Freedom of Information Act request for the CBI and providing a procedure for the supplier to take action to prevent the release of the information. There are provisions for disputing the designation of CBI and a procedure for resolving such disputes. Under the APO, suppliers of CBI are given the opportunity to object to the release of the CBI to a proposed expert. The APO requires a person who discloses CBI, other than in a manner authorized by the APO, to provide all pertinent facts to the supplier of the CBI and to the administrative law judge and to make every effort to prevent further disclosure. The APO requires all parties to the APO to either return to the suppliers or destroy the originals and all copies of the CBI obtained during the investigation.

The Commission's regulations provide for certain sanctions to be imposed if the APO is violated by a person subject to its restrictions. The names of the persons being investigated for violating an APO are kept confidential unless the sanction imposed is a public letter of reprimand. 19 CFR 210.34(c)(1). The possible sanctions are:

(1) An official reprimand by the Commission.

(2) Disqualification from or limitation of further participation in a pending investigation.

(3) Temporary or permanent disqualification from practicing in any capacity before the Commission pursuant to 19 CFR 201.15(a).

(4) Referral of the facts underlying the violation to the appropriate licensing authority in the jurisdiction in which the individual is licensed to practice.

(5) Making adverse inferences and rulings against a party involved in the violation of the APO or such other action that may be appropriate. 19 CFR 210.34(c)(3).

Commission employees are not signatories to the Commission's APOs and do not obtain access to BPI or CBI through APO procedures. Consequently, they are not subject to the requirements of the APO with respect to the handling of CBI and BPI. However, Commission employees are subject to strict statutory and regulatory constraints concerning BPI and CBI, and face potentially severe penalties for noncompliance. *See* 18 U.S.C. 1905; title 5, U.S. Code; and Commission personnel policies implementing the statutes. Although the Privacy Act (5 U.S.C. 552a) limits the Commission's authority to disclose any personnel action against agency employees, this should not lead the public to conclude that no such actions have been taken.

II. Investigations of Alleged APO Breaches

Upon finding evidence of an APO breach or receiving information that there is a reason to believe one has occurred, the Commission Secretary notifies relevant offices in the agency that an APO breach investigation has commenced and that an APO breach investigation file has been opened. Upon receiving notification from the Secretary, the Office of the General Counsel (''OGC'') prepares a letter of inquiry to be sent to the possible breacher over the Secretary's signature to ascertain the facts and obtain the possible breacher's views on whether a breach has occurred.[1] If, after reviewing the response and other relevant information, the Commission determines that a breach has occurred, the Commission often issues a second letter asking the breacher to address the questions of mitigating circumstances and possible sanctions or other actions. The Commission then determines what action to take in response to the breach. In some cases, the Commission determines that, although a breach has occurred, sanctions are not warranted, and therefore finds it unnecessary to issue a second letter concerning what sanctions might be appropriate. Instead, it issues a warning letter to the individual. A warning letter is not considered to be a sanction. However, a warning letter is considered in a subsequent APO breach investigation.

Sanctions for APO violations serve three basic interests: (a) Preserving the confidence of submitters of BPI/CBI that the Commission is a reliable protector of BPI/CBI; (b) disciplining breachers; and (c) deterring future violations. As the Conference Report to the Omnibus Trade and Competitiveness Act of 1988 observed, ''[T]he effective enforcement of limited disclosure under administrative protective order depends in part on the extent to which private parties have confidence that there are effective sanctions against violation.'' H.R. Conf. Rep. No. 576, 100th Cong., 1st Sess. 623 (1988).

The Commission has worked to develop consistent jurisprudence, not only in determining whether a breach has occurred, but also in selecting an appropriate response. In determining the appropriate response, the Commission generally considers mitigating factors such as the unintentional nature of the breach, the lack of prior breaches committed by the breaching party, the corrective measures taken by the breaching party, and the promptness with which the breaching party reported the violation to the Commission. The Commission also considers aggravating circumstances, especially whether persons not under the APO actually read the BPI/CBI. The Commission considers whether there have been prior breaches by the same person or persons in other investigations and multiple breaches by the same person or persons in the same investigation.

The Commission's rules permit an economist or consultant to obtain access to BPI/CBI under the APO in a title VII or safeguard investigation if the economist or consultant is under the direction and control of an attorney under the APO, or if the economist or consultant appears regularly before the Commission and represents an interested party who is a party to the investigation. 19 CFR 207.7(a)(3)(B) and (C); 19 CFR 206.17(a)(3)(B) and (C). Economists and consultants who obtain access to BPI/CBI under the APO under the direction and control of an attorney nonetheless remain individually responsible for complying with the APO. In appropriate circumstances, for example, an economist under the direction and control of an attorney may be held responsible for a breach of the APO by failing to redact APO information from a document that is subsequently filed with the Commission and served as a public document. This is so even though the attorney exercising direction or control over the economist or consultant may also be held responsible for the breach of the APO. In section 337 investigations, technical experts and their staff who are employed for the purposes of the investigation are required to sign onto the APO and agree to comply with its provisions.

The records of Commission investigations of alleged APO breaches in antidumping and countervailing duty cases, section 337 investigations, and safeguard investigations are not publicly available and are exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552. *See* 19 U.S.C. 1677f(g), 19 U.S.C. 1333(h), 19 CFR 210.34(c).

The two types of breaches most frequently investigated by the Commission involve the APO's prohibition on the dissemination of BPI or CBI to unauthorized persons and the APO's requirement that the materials received under the APO be returned or destroyed and that a certificate be filed indicating which action was taken after the termination of the investigation or any subsequent appeals of the Commission's determination. The dissemination of BPI/CBI usually occurs as the result of failure to delete BPI/CBI from public versions of documents filed with the Commission or transmission of proprietary versions of documents to unauthorized recipients. Other breaches have included the failure to bracket properly BPI/CBI in proprietary documents filed with the Commission, the failure to report immediately known violations of an APO, and the failure to adequately supervise non-lawyers in the handling of BPI/CBI.

Occasionally, the Commission conducts APOB investigations that involve members of a law firm or consultants working with a firm who were granted access to APO materials by the firm although they were not APO signatories. In many of these cases, the firm and the person using the BPI/CBI mistakenly believed an APO application had been filed for that person. The Commission determined in all of these cases that the person who was a non-

[1] Procedures for inquiries to determine whether a prohibited act such as a breach has occurred and for imposing sanctions for violation of the provisions of a protective order issued during NAFTA panel or committee proceedings are set out in 19 CFR 207.100–207.120. Those investigations are initially conducted by the Commission's Office of Unfair Import Investigations.

signatory, and therefore did not agree to be bound by the APO, could not be found to have breached the APO. Action could be taken against these persons, however, under Commission rule 201.15 (19 CFR 201.15) for good cause shown. In all cases in which action was taken, the Commission decided that the non-signatory was a person who appeared regularly before the Commission and was aware of the requirements and limitations related to APO access and should have verified his or her APO status before obtaining access to and using the BPI/CBI. The Commission notes that section 201.15 may also be available to issue sanctions to attorneys or agents in different factual circumstances in which they did not technically breach the APO, but when their actions or inactions did not demonstrate diligent care of the APO materials even though they appeared regularly before the Commission and were aware of the importance the Commission placed on the care of APO materials.

Counsel participating in Commission investigations have reported to the Commission potential breaches involving the electronic transmission of public versions of documents. In these cases, the document transmitted appears to be a public document with BPI or CBI omitted from brackets. However, the confidential information is actually retrievable by manipulating codes in software. The Commission has found that the electronic transmission of a public document containing BPI or CBI in a recoverable form was a breach of the APO.

Counsel have been cautioned to be certain that each authorized applicant files within 60 days of the completion of an import injury investigation or at the conclusion of judicial or binational review of the Commission's determination a certificate that to his or her knowledge and belief all copies of BPI/CBI have been returned or destroyed and no copies of such material have been made available to any person to whom disclosure was not specifically authorized. This requirement applies to each attorney, consultant, or expert in a firm who has been granted access to BPI/CBI. One firm-wide certificate is insufficient.

Attorneys who are signatories to the APO representing clients in a section 337 investigation should inform the administrative law judge and the Commission's secretary if there are any changes to the information that was provided in the application for access to the CBI. This is similar to the requirement to update an applicant's information in title VII investigations.

In addition, attorneys who are signatories to the APO representing clients in a section 337 investigation should send a notice to the Commission if they stop participating in the investigation or the subsequent appeal of the Commission's determination. The notice should inform the Commission about the disposition of CBI obtained under the APO that was in their possession or they could be held responsible for any failure of their former firm to return or destroy the CBI in an appropriate manner.

III. Specific APO Breach Investigations

Case 1. The Commission determined that the principal attorney representing a party in a title VII sunset review breached an APO when he (1) inadvertently retained materials containing BPI more than 60 days after the completion of a five-year review and (2) inadvertently uploaded a BPI version of a staff report from the sunset review onto the electronic filing system (''CM/ECF'') of the U.S. Court of International Trade (''CIT'') in an unrelated case.

The attorney represented the respondent in a sunset review. After the completion of the review, the attorney submitted a letter to the Commission certifying that all copies of materials released to him under the APO had been destroyed. Months later, the attorney logged on to the CM/ECF system in an attempt to download a motion in an unrelated case. However, rather than downloading the intended motion, the attorney inadvertently uploaded a copy of a staff report containing BPI. The attorney immediately notified the docket clerk of the error. The clerk removed the document from public availability within approximately fifteen minutes of the upload. The clerk also contacted counsel for all parties in the unrelated case to determine whether they had viewed the BPI. One attorney had downloaded the file, but immediately closed it upon realizing that it was misfiled.

In determining the appropriate action in response to the breach, the Commission considered mitigating factors, including that (1) the breach was unintentional and inadvertent, resulting from the attorney's inadvertent failure to follow standard APO procedures and inadvertent upload of the staff report; (2) the attorney had not been found to have breached an APO over the past two years; and (3) the attorney took immediate corrective measures upon learning of the disclosure by requesting that the CIT remove the BPI version of the staff report from the CIT's CM/ECF system. The Commission also considered aggravating factors, including that (1) the attorney violated the same APO in two ways by retaining the BPI materials more than sixty days after the completion of the review and uploading those materials onto the CM/ECF system; and (2) the attorney failed to handle the APO material with due diligence and care by filing the staff report in a wholly unrelated case.

The Commission issued a private letter of reprimand to the attorney.

Case 2. The Commission determined that APO breaches occurred with respect to a law firm representing a party in a section 337 investigation. With respect to this law firm, the Commission determined that APO breaches occurred (1) when attorneys and consultants failed to sign and/or file protective order acknowledgments prior to accessing CBI and (2) when attorneys filed an unredacted appeal brief containing CBI and emailed that brief to in-house counsel who were not signatories of the APO.

Seven attorneys and two expert consultants hired by the law firm failed to sign and file protective order acknowledgments before accessing CBI for use in this investigation. A paralegal initially informed a first supervisory attorney that a single working attorney had premature access to CBI, and that working attorney's acknowledgment was filed that same day. A further internal investigation at the law firm discovered that four additional attorneys and an expert consultant similarly failed to file acknowledgments, and those individuals filed acknowledgments thereafter. Approximately a month later, the firm discovered that a testifying expert had also failed to file an acknowledgment prior to accessing CBI. A second supervisory attorney at the law firm informed the Commission that that expert filed an acknowledgment the same day as the discovery of the omission.

Thereafter, the second supervisory attorney informed the Commission of facts related to a second APO breach by the law firm. Two appellate attorneys at the law firm had attached as an addendum to a brief filed with a court a confidential version of the Commission's opinion, which included CBI. That brief was also emailed to four in-house attorneys. Prior to filing the brief, the appellate attorneys confirmed that the text of the brief did not contain any CBI, but failed to recognize that the confidential version, rather than the public version, of the Commission Opinion was attached to the brief. The next day, one of the appellate attorneys recognized the mistake, and the clerk at

the court was notified that the brief should be neither accepted nor made public. One of the appellate attorneys also contacted the in-house counsel and directed them to delete the email without opening the attachment. The attorney received confirmation that the attachment had not been read by or forwarded to anyone else. That same day, one of the appellate attorneys notified counsel for the opposing party and the Commission of the breach. The law firm corrected the filing by submitting a confidential version and a public version of the brief to the court.

In determining the appropriate action in response to the breaches, the Commission considered mitigating factors, including that (1) no person who did not later file an APO acknowledgment viewed CBI in either breach; (2) both breaches were unintentional; (3) the law firm took prompt actions to correct the mistakes, inform the Commission and all parties of the mistakes, and prevent future breaches; and (4) none of the attorneys were involved in previous APO issues in the last two years. As an aggravating factor, the Commission considered that the law firm committed two breaches in the same investigation within a year.

The Commission issued warning letters to the two supervisory attorneys and the appellate attorneys. The Commission also issued a private letter of reprimand to the law firm. The Commission found that the firm's policies and procedures were inadequate in ensuring compliance with the APO, as demonstrated by the seven firm attorneys and two outside consultants who reviewed and used CBI in connection with their involvement in the investigation before signing and filing APO acknowledgments, the submission of an unredacted appeal brief containing CBI, and the transmission of the appeal brief to four non-signatory in-house counsel who were not APO signatories.

The Commission also found that good cause exists to issue sanctions under § 201.15(a) to the attorneys and consultants who used CBI in this investigation prior to filing a protective order acknowledgment. The Commission issued these attorneys a warning letter. Though these individuals were not signatories to the APO at the time they inappropriately accessed CBI, they were, or should have been, aware of the requirements and limitations related to APO access. Their failure to verify that they had applied for and been granted access to APO materials before using the materials demonstrates a disregard for the Commission's rules protecting the confidentiality of the information that is provided under the APO.

Case 3. In the same section 337 investigation referenced in Case 2 above, the Commission determined that a second law firm representing a different party breached the APO. The Commission determined that breaches occurred when attorneys failed to sign and/or file protective order acknowledgments prior to accessing CBI.

One attorney at the second law firm failed to sign and file protective order acknowledgments before accessing CBI; and three attorneys signed but failed to file protective order acknowledgments before accessing CBI. The issue was first discovered by another party's counsel. After being notified, the second law firm conducted an internal audit and discovered the breach. The three unfiled acknowledgments had been forwarded to a paralegal, but not filed. The remaining attorney was not aware that he was required to sign an APO acknowledgment prior to accessing a hearing transcript containing CBI. That attorney signed an acknowledgment the next day, and the acknowledgment was filed approximately two weeks later. Two supervisory attorneys were APO signatories had supervised the four attorneys who had not timely filed the protective order acknowledgments.

In determining the appropriate action in response to the breach, the Commission considered mitigating factors, including that (1) the breach was unintentional; (2) the breach was promptly reported to the Commission; (3) the breaching parties took corrective measures to prevent a breach in the future; (4) none of the attorneys was involved in any previous APO breaches; and (5) the attorneys otherwise accorded the CBI the full protection of the APO at all times and the CBI was not released to any third party.

The Commission issued warning letters to the supervisory attorneys. The Commission also found that good cause existed to issue sanctions under § 201.15(a) to the attorneys who used CBI in this investigation prior to filing a protective order acknowledgment. The Commission issued these attorneys a warning letter. Though these attorneys were not signatories to the APO at the time they inappropriately accessed CBI, they were or should have been aware of the requirements and limitations related to APO access. Their failure to verify that they had applied for and been granted access to APO materials before using the materials demonstrated a disregard for the Commission's rules protecting the confidentiality of the information that is provided under the APO.

Case 4. The Commission determined that a law firm and several attorneys breached an APO in a section 337 investigation when they improperly disclosed CBI to more than 140 unauthorized persons over a fourteen-month period.

Several attorneys of a law firm representing the complainant inadvertently disclosed to unauthorized persons information designated by the respondent as CBI in this investigation and in related litigation in federal district court. A junior associate at the law firm failed to fully redact CBI from an expert report prepared for the district court action, and a partner failed to supervise that junior associate. On several occasions, the attorneys then sent the incompletely redacted expert report to unauthorized persons at the complainant (including a non-APO signatory in-house attorney) and other law and consulting firms. Several non-signatory recipients (including the in-house counsel and at least one other attorney) further disseminated the CBI to other non-signatories. In one incident, a partner at the law firm emailed more than ninety of the complainant's employees with instructions on how to access the incompletely redacted expert report on an FTP site. No one at the law firm notified the respondent or the Commission of the disclosure at the time. No other efforts were made to investigate whether other disclosures had been made so as to prevent further disclosures. As a result, the unauthorized disclosures continued.

In connection with the investigation before the Commission, a mid-level associate at the same law firm failed to redact the same CBI from an outline for a brief on remedy and the public interest. On several occasions, the firm's attorneys then sent versions of that outline and the public interest brief containing CBI to unauthorized persons at the complainant and at other law firms. A partner at the law firm discovered one such disclosure, but did not notify the respondent or the Commission at the time, asserting that he had acted promptly after the discovery to prevent unauthorized persons from viewing CBI. In another incident, an attorney sent an unredacted version of the completed brief via email to the complainant's employees and an attorney at a second law firm. Another attorney informed the sending attorney of the mistake, and the sending attorney emailed the complainant requesting that the email be deleted. Prior to its deletion, however, the email had been

forwarded to the complainant's employees and attorneys at other law firms.

In determining the appropriate sanction, the Commission considered mitigating factors, including that (1) the breaches were inadvertent; (2) the law firm recently implemented firm-wide policy to help prevent unauthorized disclosures; (3) the law firm worked to investigate, cure, and prevent further breaches after discovery of the breaches; and (4) a federal district court had already sanctioned the disclosures and conduct underlying the breaches relating to the expert report. The Commission also considered aggravating factors, including that (1) the CBI was viewed by unauthorized persons; (2) the breach was discovered by a third party; (3) the law firm failed and/or delayed reporting the breaches to the Commission; (4) the CBI was unprotected for a lengthy period of time; (5) there were multiple breaches by the law firm's attorneys in the same investigation; and (6) there were multiple breaches by the law firm's attorneys in a two-year period.

The Commission publicly reprimanded the law firm and issued private letters of reprimand to the six law firm attorneys responsible for the unauthorized disclosures. Although the firm had procedures to prevent unauthorized disclosures, the firm did not ensure that attorneys complied with those procedures and made unilateral decisions regarding the APO's scope and requirements. The large number and vast extent of the unauthorized disclosures show that the failure to safeguard CBI was a pervasive problem at the firm.

The Commission also found that good cause existed to issue sanctions under § 201.15(a) to the in-house counsel and an attorney at another law firm who were not signatories of the APO. Both attorneys had disclosed CBI, but were not found to be fully responsible for those disclosures. The Commission issued these attorneys a warning letter because, although the attorneys were not signatories to the APO, they had previously appeared before the Commission in section 337 investigations.

Case 5. The Commission determined that an attorney representing the respondent in a section 337 investigation breached the APO in the investigation when he filed a public brief at a court containing information designated as CBI by the complainant.

The attorney filed the public brief containing the CBI with a court. However, the court rejected the brief for failing to comply with certain technical requirements, and that rejection prevented the brief from being disclosed to the public. The complainants' counsel informed the attorney that the brief contained the CBI. The attorney agreed to, and did, promptly contact the court to remove the brief from public view. The clerk stated that the brief was not publicly available and the attorney did not disseminate the brief to anyone else.

In determining the appropriate action in response to the breach, the Commission considered mitigating factors, including that (1) the breach was unintentional; (2) the attorney had not been found in violation of an APO or other protective order in the previous two years; and (3) no party was prejudiced by the breach because no unauthorized person actually viewed the CBI. The Commission also considered that the attorney took immediate steps to mitigate any harm by contacting the court in an attempt to prevent the disclosure of the CBI to unauthorized persons.

Rather than issuing a sanction, the Commission issued a warning letter to the attorney.

Case 6. The Commission determined that an attorney representing the complainants breached an APO in a section 337 investigation when he filed a brief in a state court containing information designated as CBI by the respondents.

The attorney filed a brief under seal at a state court containing an attached exhibit including CBI. The exhibit was filed under seal and was not available to the public. The respondents' counsel informed the complainants' counsel of the APO breach and requested that complainants' counsel ask the state court to remove the exhibit from the filing. The next day, the attorney's law firm requested the removal of the exhibit. After the attorney's law firm complied with the court's rules and guidance, the court removed the exhibit from the filing. A second attorney from the attorney's law firm notified the Commission of the breach. The law firm explained that it had intended to attach a public version of the exhibit to the filing and that the breach was unintentional and inadvertent.

In determining the appropriate action in response to the breach, the Commission considered mitigating factors, including that (1) the breach was unintentional; (2) the attorney had not been found in violation of an APO or other protective order in the previous two years; (3) the breach was promptly reported to the Commission; and (4) the law firm took active steps to remedy the breach by withdrawing the offending exhibit from the filing. The Commission further considered that the brief was filed under seal. The Commission also considered aggravating factors, including that (1) local counsel for both the complainants and the respondents who were not APO signatories had access to the document and respondents' counsel viewed the documents; and (2) the attorney's law firm did not discover the breach, but rather was informed of the breach by respondents' counsel.

Rather than issuing a sanction, the Commission issued a warning letter to the attorney.

Case 7. The Commission determined that an attorney at a law firm and a staff economist at a consulting firm breached an APO in a title VII investigation when a public version of a prehearing brief prepared on behalf of a respondent, which contained certain unredacted BPI, was filed, served, and made available to the public on the Commission's website.

The economist mistakenly informed the attorney that the public version of a staff report included with a brief did not contain BPI. When the attorney told the economist that certain information in the staff report was of a type generally considered to be BPI in Commission investigations, the economist again affirmed his prior incorrect statement that the information was not BPI. On that basis, brackets identifying the information as BPI were removed from certain portions of the brief and the information was not deleted from the public version of the brief when it was filed and served. Thereafter, counsel for petitioners informed the attorney that the public version of the brief included BPI. The attorney then called the only person upon whom a paper copy of the public version had been served (a non-signatory to the APO), who reported that he had not read or distributed the brief and agreed to destroy it. The attorney and his staff then immediately contacted the Commission to remove the public version of the document from the Commission's website and then filed revised pages to the brief which redacted the BPI. An audit of the document available on the Commission's website indicated that the document was viewed by five individuals, one of whom was not authorized to view BPI.

In determining the appropriate sanction in response to the breach, the Commission considered mitigating factors, including that (1) the breach was unintentional and inadvertent; (2) neither the attorney nor the economist had been found in violation of an APO or other protective order in the previous

two years; and (3) once informed of the breach, the attorney and economist took immediate action to cure the breach. The Commission also considered aggravating factors, including that (1) the attorney and the economist did not discover the breach themselves, but were instead informed of the breach by counsel for petitioners; and (2) the brief was publicly available on the Commission's website for two days and was accessed by at least one individual who was not authorized to view the BPI.

The Commission issued private letters of reprimand to the attorney and the economist.

Case 8. The Commission determined that two attorneys representing the complainant breached an APO in a section 337 investigation when they sent an email attachment containing information that had been designated as CBI by the respondent to the complainant's employees.

In this case, an attorney representing the complainant sent to the complainant's employees an email that appended portions of the complainant's draft pre-hearing brief which included CBI, asking them to read it and provide comments. A second attorney of the same law firm, who was responsible for the day-to-day management of this investigation for the complainant, was copied on the email. One of the complainant's employees then transmitted the document in question to the complainant's directors and other of the complainant's employees. The attorneys' law firm learned of the disclosure on a phone call with the complainant's employees. The law firm's counsel then spoke to the respondent's counsel and alerted the administrative law judge of the breach. Thereafter, the administrative law judge conducted a telephone conference with the parties and ordered, *inter alia,* that the complainant retain an independent forensic expert to produce a record of the scope and timing of the disclosure of the CBI to the complainant's employees. At the completion of the report, all CBI in the complainant's possession was to be destroyed.

In determining the appropriate action in response to the breach, the Commission considered mitigating factors, including that (1) the breach was inadvertent; (2) complainant's counsel self-reported the breach and took prompt action to destroy all copies of the disclosed document and prevent further dissemination; (3) respondent was not seeking further sanctions; and (4) neither attorney had previously been found in violation of an APO. The Commission also considered aggravating factors, including that (1) the confidential material was reviewed by several individuals at the complainant who were not authorized to view the CBI; and (2) that weeks had passed before the breach was discovered.

The Commission issued a private letter of reprimand to the attorney who first sent the offending email to the complainant's employees. The Commission also issued a warning letter to the second attorney, who exercised inadequate oversight over the CBI in question (including a failure to observe that the attachment sent to the complainant was replete with respondent's CBI).

Case 9. The Commission determined that a law firm representing the complainant did not breach an APO in a section 337 investigation. Respondent's counsel alleged that the law firm used CBI without authorization to prepare and file a new complaint at the Commission. However, for each alleged instance of an improper disclosure of CBI, the law firm was able to show that the information alleged to be CBI was available in the public record.

By order of the Commission.

Issued: April 18, 2018.

Lisa Barton,

Secretary to the Commission.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–891 (Third Review)]

Foundry Coke From China

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that revocation of the antidumping duty order on foundry coke from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission, pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)), instituted this review on May 1, 2017 (82 FR 20381) and determined on August 4, 2017 that it would conduct a full review (82 FR 41053, August 29, 2017). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on October 26, 2017 (82 FR 49660). The hearing was cancelled on February 20, 2018 at the request of the domestic interested parties (83 FR 39, February 27, 2018).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on April 18, 2018. The views of the Commission are contained in USITC Publication 4774 (April 2018), entitled *Foundry Coke from China: Investigation No. 731–TA–891 (Third Review).*

By order of the Commission.

Issued: April 18, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–08455 Filed 4–23–18; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1044]

Certain Graphics Systems, Components Thereof, and Consumer Products Containing the Same: Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge has issued a final Initial Determination and a Recommended Determination on Remedy and Bond in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief, namelya limited exclusion order (''LEO'') against certain graphics systems, components thereof, and consumer products containing the same, which are imported, sold for importation, and/or sold after importation by respondents VIZIO, Inc. (''VIZIO''), MediaTek Inc. and Media Tek USA Inc. (collectively, ''MediaTek''), and Sigma Designs, Inc. (''SDI''); and a cease and desist order (''CDO'') against respondents VIZIO and SDI. This notice is soliciting public interest comments from the public only.

Parties are to file public interest submissions pursuant to Commission rules.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server (*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: Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

> unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4). In addition, members of the public are hereby invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bond issued in this investigation on April 13, 2018. Comments should address whether issuance of the LEO and CDO in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended orders are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) Identify like or directly competitive articles that complainants, their licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) Indicate whether complainants, complainants' licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) Explain how the LEO and CDO would impact consumers in the United States.

Written submissions from the public must be filed no later than close of business on Friday, May 18, 2018.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–1044'') in a prominent place on the cover page and/or the first page. *See* Handbook on Filing Procedures, *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf.* Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50).

By order of the Commission.

Issued: April 19, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–08486 Filed 4–23–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on March 30, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), IMS Global Learning Consortium, Inc. (''IMS Global'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Accelerate Learning, Houston, TX; ASU Prep Digital, Tempe, AZ; Colorado Virtual Academy, Lakewood, CO; Edina Public Schools, Edina, MN; Fayette County Public Schools, Lexington, KY; Georgia Department of Education, Atlanta, GA; Mastery Transcript Consortium, Gate Mills, OH; ScholarChip Card LLC, Hicksville, NY; School District of Palm Beach County, West Palm Beach, FL; Spring Branch Independent School District, Houston, TX; String Theory Public Schools, Philadelphia, PA; University of Wisconsin System Administration, Madison, WI; and Wisconsin eSchool Network, Webster, WI, have been added as parties to this venture.

Also, Carl and Ruth Shapiro Family National Center for Accessible Media at WGBH, Boston, MA; Cobb County School District, Smyrna, GA; Civitas Learning, Austin, TX; University of Mary Hardin-Baylor, Belton, TX; AMAC—Accessibility Solutions and Research Center, Atlanta, GA; and University of Texas at Austin, Austin, TX, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned

activity of the group research project. Membership in this group research project remains open, and IMS Global intends to file additional written notifications disclosing all changes in membership.

On April 7, 2000, IMS Global filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on January 12, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 12, 2018 (83 FR 6050).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–08438 Filed 4–23–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act Of 1993—Pistoia Alliance, Inc.

Notice is hereby given that, on March 6, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Pistoia Alliance, Inc. (''Pistoia Alliance, Inc.'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Transformative AI Limited, London, UNITED KINGDOM; DISCNGINE, Paris, FRANCE; MediSapiens Ltd, Helsinki, FINLAND; Elemental Machines, Cambridge, MA; Corne Nous (individual), Eindhoven, THE NETHERLANDS; EPAM Systems Inc., Newtown, PA; Thomas Doerner (individual), Loerrach, GERMANY; RockStep Solutions Inc., Portland, ME; Chris Morris (individual), Warrington, UNITED KINGDOM; Gerd Blanke (individual), Essen, GERMANY; Christopher Hart (individual), Didsbury, UNITED KINGDOM; Manfred Remer (individual), Burwedel, GERMANY; and Data2Discovery, Bloomington, IN, have been added as parties to this venture.

Also, Boehringer Ingelheim International GmbH, Ingelheim am Rhein, GERMANY; Ionis Pharmaceuticals Inc., Carlsbad, CA; Chris L. Waller (individual), Brookline, MA; and IPQ Analytics LLC, Kennett Square, PA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Pistoia Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 28, 2009, Pistoia Alliance, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 15, 2009 (74 FR 34364).

The last notification was filed with the Department on December 14, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 22, 2018 (83 FR 3026).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–08441 Filed 4–23–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI Systems Alliance, Inc.

Notice is hereby given that, on March 26, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), PXI Systems Alliance, Inc. (''PXI Systems'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Wistron Corporation, Hsinchu, TAIWAN; and Pentair Technical Solutions, Straubenhardt, GERMANY, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PXI Systems intends to file additional written notifications disclosing all changes in membership.

On November 22, 2000, PXI Systems filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 8, 2001 (66 FR 13971).

The last notification was filed with the Department on December 18, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 22, 2018 (83 FR 3026).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–08437 Filed 4–23–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Corrosion Under Insulation

Notice is hereby given that, on March 22, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on Cooperative Research Group on Corrosion Under Insulation (''CUI–JIP'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identity of the parties to the venture are: Air Products and Chemicals, Inc., Allentown, PA; Armacell Engineered Systems Ltd, Hammersmith, London, UK; Aspen Aerogels, Inc., Northborough, MA; BP American Production Company, Inc., Houston, TX; Carboline Company, St. Louis, MO; Chevron U.S.A. Inc., Richmond, CA; ExxonMobil Production Company, Spring, TX; Industrial Insulation Group LLC, Denver, CO; International Paint, Ltd., Gateshead, Slough, UK; Jotun A/S, Sandefjor, NORWAY; PPG Industries, Inc., Pittsburgh, PA; Promat, Inc., Maryville, TN; Roxul, Inc., The Woodlands, TX; Statoil Petroleum AS, Stavanger, NORWAY; Tenaris Connections B.V., Amsterdam, THE NETHERLANDS; and The Sherwin-Williams Company, Cleveland, OH.

The general area of CUI–JIP's planned activity is to determine the durability of various CUI coating types using a refined cost-effective CUI test method with the purpose of obtaining an accurate coating performance evaluation under various insulation materials at two distinct proposed temperature regimes. This program will also provide high quality data to support the development of new coatings and insulations pertaining to mitigation of CUI and help make/revise recommendations for coating/insulation selection, define acceptance criteria and safe integrity operating window or risk-based assessment for components that are exposed to aggressive environments.

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–08440 Filed 4–23–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Advanced Media Workflow Association, Inc.

Notice is hereby given that, on March 26, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Advanced Media Workflow Association, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Beijing Gefei Tech Company Limited, Beijing, PEOPLE'S REPUBLIC OF CHINA; NEC, Tokyo, JAPAN; and Pebble Beach Systems, Weybridge, UNITED KINGDOM, have been added as parties to this venture.

Also, Adobe Systems Inc., San Jose, CA; and Nick Ryan (individual member), London, UNITED KINGDOM, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Advanced Media Workflow Association, Inc. intends to file additional written notifications disclosing all changes in membership.

On March 28, 2000, Advanced Media Workflow Association, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 29, 2000 (65 FR 40127).

The last notification was filed with the Department on December 26, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 31, 2018 (83 FR 4516).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–08448 Filed 4–23–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Fire Protection Association

Notice is hereby given that, on March 6, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Fire Protection Association (''NFPA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, NFPA has provided an updated and current list of its standards development activities, related technical committee and conformity assessment activities. Information concerning NFPA regulations, technical committees, current standards, standards development and conformity assessment activities are publicly available at *nfpa.org.*

On September 20, 2004, NFPA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 21, 2004 (69 FR 61869).

The last notification was filed with the Department on December 22, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 31, 2018 (83 FR 4516).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–08439 Filed 4–23–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Amendment To Consent Judgment Under the Safe Drinking Water Act

On April 17, 2018, the Department of Justice lodged a proposed amendment to the 2016 Consent Judgment (''the Consent Judgment'') with the United States District Court for the Eastern District of New York in the lawsuit entitled *United States* v. *State of New York et al.,* Civil Action No. 2:16–6989.

In that action, a Consent Judgment settled the United States' claims for civil penalties and injunctive relief that arose out of Defendants' operation of Large Capacity Cesspools (''LCCs'') in violation of the Safe Drinking Water Act (''SDWA''), 42 U.S.C. 300h, underground injection control (''UIC'') program, specifically the program's Class V UIC regulations found at 40 CFR 144.80 to 144.89. The Consent Judgment required Defendants to (1) close the prohibited LCCs, (2) pay of a civil penalty of $150,000, and (3) perform eight Supplement Environmental Projects (''SEPs'') in seven state parks. The SEPs include various nitrogen reducing projects and have an estimated value of $1,020,000.

The Amendment to Consent Judgment (''the Amendment'') proposes to modify a constructed wetland SEP that Defendants agreed to perform at Captree State Park, in Suffolk County, New York. The wetland would have primarily provided for treatment of wastewater discharges from the main comfort station and restaurant. Defendants reported that installing the constructed wetland SEP at Captree State Park (''Captree'') would be unworkable. Defendants report that their data collection at Captree, including delineation of the existing sanitary system, flood hazard areas, environmentally sensitive areas, and available space, indicates that the site cannot accommodate a wetland large enough to treat the waste flow.

Under the Amendment, Defendants would install and operate an alternative waste treatment technology—a Nitrex™ System with requirement for a smaller area in which to operate. Further, the Nitrex™ system SEP at Captree would operate at the same location, and would

treat the same sanitary waste streams—those emanating from the main comfort station and a restaurant. It is estimated that the Nitrex™ system SEP will reduce discharges at Captree by approximately 378 pounds per year, which is 40 additional pounds of nitrogen reduction compared with the estimated reduction from the constructed wetland SEP. The Nitrex™ system SEP also will disturb less of an adjacent shoreline. Additionally, under the Amendment, the SEP offers a public educational component to demonstrate the nitrogen cycle and environmental benefits of nitrogen removal.

The publication of this notice opens a period for public comment on the Consent Judgment. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *State of New York,* D.J. Ref. No. 90–5–1–1–11400. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the Consent Judgment may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Judgment upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $18.00 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $10.25.

Robert Maher,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2018–08452 Filed 4–23–18; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Annual Funding Notice for Defined Benefit Pension Plans

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, ''Annual Funding Notice for Defined Benefit Pension Plans,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 24, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201803-1210-002* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–EBSA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Annual Funding Notice for Defined Benefit Pension Plans information collection. Employee Retirement Income Security Act of 1974 (ERISA) section 101(f) sets forth the requirements applicable to furnishing defined benefit plan annual funding notices to the Pension Benefit Guarantee Corporation, each plan participant and beneficiary, each labor organization representing such participants or beneficiaries, and each employer obligated to make contributions to a multiemployer plan. An annual funding notice must include, among other things, the plan's funding percentage, a statement of the value of the plan's assets and liabilities and a description of how the plan's assets are invested as of specific dates, and a description of the benefits under the plan that are eligible to be guaranteed by the PBGC. ERISA sections 101(f) and 102 authorize this information collection. *See* 29 U.S.C. 1021(f), 1022.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1210–0126.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on April 30, 2018. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 12, 2017 (82 FR 47581).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register.** In order to help ensure appropriate consideration, comments

should mention OMB Control Number 1210–0126. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–EBSA.

Title of Collection: Annual Funding Notice for Defined Benefit Pension Plans.

OMB Control Number: 1210–0126.

Affected Public: Private Sector—businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 32,548.

Total Estimated Number of Responses: 69,453,490.

Total Estimated Annual Time Burden: 712,917 hours.

Total Estimated Annual Other Costs Burden: $20,739,596.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: April 19, 2018.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–08530 Filed 4–23–18; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Local Area Unemployment Statistics Program

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Bureau of Labor and Statistics (BLS) sponsored information collection request (ICR) revision titled, ''Local Area Unemployment Statistics Program,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 24, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201712-1220-002* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–BLS, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Local Area Unemployment Statistics (LAUS) Program information collection. The BLS has the statutory responsibility of collecting and publishing monthly information on employment, the average wage received, and the hours worked by area and industry. The LAUS program develops residency-based employment and unemployment statistics through a cooperative Federal-State program that uses employment and unemployment inputs available in State agencies. State agencies prepare monthly estimates and transmit them to the BLS for validation and publication. This information collection has been classified as a revision, because of changes to LAUS Technical Memoranda. The BLS Authorizing Statute authorizes this information collection. *See* 29 U.S.C. 1, 2.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1220–0017. The current approval is scheduled to expire on April 30, 2018; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 16, 2018 (83 FR 2217).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register.** In order to help ensure appropriate consideration, comments should mention OMB Control Number 1220–0017. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–BLS.

Title of Collection: Local Area Unemployment Statistics Program.

OMB Control Number: 1220–0017.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 52.

Total Estimated Number of Responses: 91,136.

Total Estimated Annual Time Burden: 136,395 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: April 18, 2018.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–08531 Filed 4–23–18; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Wage and Hour Division

Proposed Extension of the Approval of Information Collection Requirements

AGENCY: Wage and Hour Division, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. 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. Currently, the Wage and Hour Division is soliciting comments concerning its proposal to extend Office of Management and Budget (OMB) approval of the Information Collections: Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration. A copy of the proposed information collection request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before June 25, 2018.

ADDRESSES: You may submit comments, identified by Control Number 1235–0016, by either one of the following methods:

Email: WHDPRAComments@dol.gov.

Mail, Hand Delivery, Courier: Regulatory Analysis Branch, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20001.

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for Office of Management and Budget approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Melissa Smith, Director, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20001; telephone: (202) 693–0406 (this is not a toll-free number). Copies of this notice may be obtained in alternative formats (Large Print, Braille, Audio Tape or Disc), upon request, by calling (202) 693–0023 (not a toll-free number). TTY/TDD callers may dial toll-free (877) 889–5627 to obtain information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

I. *Background:* The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) provides that no person shall engage in any farm labor contracting activity for any money or valuable consideration paid or promised to be paid, unless such person has a certificate of registration from the Secretary of Labor specifying which farm labor contracting activities such person is authorized to perform. *See* 29 U.S.C. 1802(7), 1811(a); 29 CFR 500.1(c), –.20(i), –.40. MSPA also provides that a Farm Labor Contractor (FLC) shall not hire, employ, or use any individual to perform farm labor contracting activities unless such individual has a certificate of registration as a FLC or a certificate of registration as a Farm Labor Contractor Employee (FLCE) of the FLC that authorizes the activity for which such individual is hired, employed or used. 29 U.S.C. 1811(b); 29 CFR 500.1(c). Form WH–530 is an application used to obtain a Farm Labor Contractor License. This information collection is currently approved for use through November 30, 2018.

MSPA section 401 (29 U.S.C. 1841) requires, subject to certain exceptions, all Farm Labor Contractors (FLCs), Agricultural Employers (AGERs), and Agricultural Associations (AGASs) to ensure that any vehicle they use or cause to be used to transport or drive any migrant or seasonal agricultural worker conforms to safety and health standards prescribed by the Secretary of Labor under the MSPA and with other applicable Federal and State safety standards. These MSPA safety standards address the vehicle, driver, and insurance. The Wage and Hour Division (WHD) has created Forms WH–514, WH–514a, and WH–515, which allow FLC applicants to verify to the WHD that the vehicles used to transport migrant/seasonal agricultural workers meet the MSPA vehicle safety standards and that anyone who drives such workers meets the Act's minimum physical requirements. The WHD uses the information in deciding whether to authorize the FLC/FLC Employee applicant to transport/drive any migrant/seasonal agricultural worker(s) or to cause such transportation. Form WH–514 is used to verify that any vehicle used or caused to be used to transport any migrant/seasonal agricultural worker(s) meets the Department of Transportation (DOT) safety standards. When the adopted DOT rules do not apply, FLC applicants seeking authorization to transport any migrant/seasonal agricultural workers use Form WH–514a to verify that the vehicles meet the DOL safety standards and, upon the vehicle meeting the required safety standards, the form is completed. Form WH–515 is a doctor's certificate used to document that a motor vehicle driver or operator meets the minimum DOT physical requirements that the DOL has adopted. This information collection is currently approved for use through November 30, 2018.

II. *Review Focus:* The DOL is particularly interested in comments that:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility, and clarity of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. *Current Actions:* The DOL seeks to extend the information collection requests for the Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration.

Type of Review: Extension.

Agency: Wage and Hour Division.

Titles: Application for a Farm Labor Contractor or a Farm Labor Contractor Employee Certificate of Registration.

OMB Number: 1235–0016.

Agency Numbers: Forms WH–514, WH–514a, WH–515, WH–530.

Affected Public: Businesses or other for-profits, Farms.

Respondents: 23,466.

Total Annual responses: 23,466.

Estimated Total Burden Hours: 9,334.

Estimated Time per Response: 5 minutes for the vehicle mechanical inspection reports (WH–514 or WH–514a) and 20 minutes for MSPA Doctor's Certification (WH–515) and 30 minutes for the Farm Labor Contractor Application (WH–530).

Frequency: On Occasion, but no more often than annual.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $462,680.

Dated: April 19, 2018.

Melissa Smith,

Director, Division of Regulations, Legislation & Interpretation.

[FR Doc. 2018–08492 Filed 4–23–18; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 18–033]

NASA International Space Station Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA International Space Station (ISS) Advisory Committee. The purpose of the meeting is to review all aspects related to the safety and operational readiness of the ISS, and to assess the possibilities for using the ISS for future space exploration.

DATES: Monday, May 14, 2017, 2:00–3:00 p.m., Local Time.

ADDRESSES: NASA Headquarters, Glennan Conference Room (1Q39), 300 E Street SW, Washington, DC 20546. Note: 1Q39 is located on the first floor of NASA Headquarters.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Finley, Designated Federal Officer, Office of International and Interagency Relations, NASA Headquarters, Washington, DC 20546–0001, (202) 358–5684.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public up to the seating capacity of the room. This meeting is also accessible via teleconference. To participate telephonically, please contact Mr. Finley (202) 358–5684 before 4:30 p.m., Local Time, on May 9, 2018. You will need to provide your name, affiliation, and phone number.

Attendees will be requested to sign a register and to comply with NASA Security requirements, to include the presentation of a valid picture ID to Security before access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Mr. Finley via email at *patrick.t.finley@nasa.gov* or by telephone at (202) 358–5684. U.S. citizens and permanent residents (green card holders) are requested to submit their name and affiliation no less than 3 working days prior to the meeting to Mr. Finley. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2018–08513 Filed 4–23–18; 8:45 am]

BILLING CODE 7310–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2018–034]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when agencies no longer need them for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives of the United States and to destroy, after a specified period, records lacking administrative, legal, research, or other value. NARA publishes notice in the **Federal Register** for records schedules in which agencies propose to destroy records they no longer need to conduct agency business. NARA invites public comments on such records schedules.

DATES: NARA must receive requests for copies in writing by May 24, 2018. Once NARA finishes appraising the records, we will send you a copy of the schedule you requested. We usually prepare appraisal memoranda that contain additional information concerning the records covered by a proposed schedule. You may also request these. If you do, we will also provide them once we have completed the appraisal. You have 30 days after we send to you these requested documents in which to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Appraisal and Agency Assistance (ACRA) using one of the following means:

Mail: NARA (ACRA); 8601 Adelphi Road; College Park, MD 20740–6001.

Email: request.schedule@nara.gov.

Fax: 301–837–3698.

You must cite the control number, which appears in parentheses after the name of the agency that submitted the schedule, and a mailing address. If you would like an appraisal report, please include that in your request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, by mail at Records Appraisal and Agency Assistance (ACRA); National Archives

and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001, by phone at 301–837–1799, or by email at *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: NARA publishes notice in the **Federal Register** for records schedules they no longer need to conduct agency business. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

Each year, Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing records retention periods and submit these schedules for NARA's approval. These schedules provide for timely transfer into the National Archives of historically valuable records and authorize the agency to dispose of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless otherwise specified. An item in a schedule is media neutral when an agency may apply the disposition instructions to records regardless of the medium in which it creates or maintains the records. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is expressly limited to a specific medium. (See 36 CFR 1225.12(e).)

Agencies may not destroy Federal records without Archivist of the United States' approval. The Archivist approves destruction only after thoroughly considering the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value.

In addition to identifying the Federal agencies and any subdivisions requesting disposition authority, this notice lists the organizational unit(s) accumulating the records (or notes that the schedule has agency-wide applicability when schedules cover records that may be accumulated throughout an agency); provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction); and includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it also includes information about the records. You may request additional information about the disposition process at the addresses above.

Schedules Pending

1. Department of Agriculture, Farm Service Agency (DAA–0145–2017–0025, 1 item, 1 temporary item). Case files documenting the disposal of excess or surplus property owned by the Federal government.

2. Department of Agriculture, Farm Service Agency (DAA–0145–2017–0027, 10 items, 10 temporary items). Routine administrative records documenting the agency's leasing activities. Included are requests for leasing space, solicitation records, negotiation documents, successful offers and unsuccessful offers, approval documentation, and award notification files.

3. Department of Defense, Office of the Secretary of Defense (DAA–0330–2013–0012, 43 items, 41 temporary items). Department of Defense Education Activity records related to the operation of elementary, secondary, and graduate schools, including student, faculty, instructional, and administrative records. Proposed for permanent retention are records related to research and instruction about uniquely military medical conditions and treatments.

4. Department of Defense, Defense Security Service (DAA–0446–2016–0001, 1 item, 1 temporary item). Records of an electronic information system used to track and mitigate potential threats to facilities and personnel, including contact information, military history information, and publicly available electronic information.

5. Department of Defense, Defense Security Service (DAA–0446–2017–0001, 9 items, 9 temporary items). Records relating to the security of defense contractor facilities including security clearance of the facilities, cancellation of clearances, security agreements, and related administrative actions.

6. Department of Defense, Defense Security Service (DAA–0446–2017–0003, 1 item, 1 temporary item). Records relating to Congressional inquiries including correspondence, copy of requests, responses, reports, and other documents.

7. Department of Defense, Defense Threat Reduction Agency (DAA–0374–2017–0017, 1 item, 1 temporary item). Master files of an electronic information system used for tracking and managing travel information for personnel outside the United States, including travel requests, incidental files, and related administrative actions.

8. Department of Energy, Agency-wide (DAA–0434–2018–0001, 1 item, 1 temporary item). Master files of an electronic information system used to track and manage electronic service requests, software installation, and hardware repair.

9. Department of the Interior, Agency-wide (DAA–0048–2015–0003, 23 items, 18 temporary items). Natural resource planning and development case files containing operational mission records related to fish and wildlife species management; critical habitat designations; assessment reports; surveys; Federal onshore and offshore production audits and inspections; energy lease applications and issued leases; energy resource analysis and evaluations; land use planning and activities; permits; land title operational and realty; wild horse and burro adoptions; reciprocal use and license agreements; land status; water analysis and water use permitting; non-historic water and power projects and facility records; and water project, engineering, and water quality records. Proposed for permanent retention are final studies and reports related to mission programs and activities such as the Endangered Species Act and fish and wildlife management and planning files; energy and mineral final financial reports and summaries; mineral lease case history files; land use management plans and reports requiring agency authorization; historic water and power projects; and water resources and delivery records.

10. Department of the Treasury, Internal Revenue Service (DAA–0058–2017–0011, 1 item, 1 temporary item). Alert notification system records.

11. National Indian Gaming Commission, Office of the Commission (DAA–0600–2017–0001, 17 items, 10 temporary items). Records include routine operational or administrative correspondence, internal audit records, tribal self-regulation annual submissions, agency agreements, consultation files, and related working files. Proposed for permanent retention are official correspondence and daily schedule of activities for the Chairperson, Commissioners, and Chief of Staff; Commission meeting and decisional files; organizational structure and strategic planning files; final official policies and procedures; tribal self-

regulation decisional documents; and advisory committee final reports.

12. National Indian Gaming Commission, Office of General Counsel (DAA–0600–2017–0002, 12 items, 9 temporary items). Records include internal or non-substantive legal opinions, withdrawn ordinances, operational or administrative correspondence, administrative litigation case files, master files of two case file tracking systems, and related working files. Proposed for permanent retention are significant legal opinions, ordinance decisional files, and enforcement action files.

13. Office of Personnel Management, Agency-wide (DAA–0478–2017–0012, 1 item, 1 temporary item). Assessment and evaluation project files documenting the development of assessments to evaluate organizations and develop applicant tests.

14. Office of Personnel Management, Agency-wide (DAA–0478–2018–0002, 6 items, 6 temporary items). Records related to internal and external oversight and audit of human capital laws and regulations.

15. Peace Corps, Office of Volunteer Recruitment and Selection (DAA–0490–2017–0009, 2 items, 1 temporary item). Records of the Associate Director including routine administrative files. Proposed for permanent retention are significant program records including reports, strategic plans, and program guidance.

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2018–08459 Filed 4–23–18; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0001]

Sunshine Act Meeting Notice

DATE: Weeks of April 23, 30, May 7, 14, 21, 28, 2018.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of April 23, 2018

Tuesday, April 24, 2018

9:00 a.m.
Briefing on Advanced Reactors (Public)
(Contact: Lucieann Vechioli: 301–415–6035)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, April 26, 2018

9:00 a.m.
Strategic Programmatic Overview of the Fuel Facilities and the Nuclear Materials Users Business Lines (Public Meeting)
(Contact: Mahmoud Jardaneh: 301–415–4126 or Soly Soto Lugo: 301–415–7528)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of April 30, 2018—Tentative

There are no meetings scheduled for the week of April 30, 2018.

Week of May 7, 2018—Tentative

Thursday, May 10, 2018

10:00 a.m.
Briefing on Security Issues (Closed Ex. 1)
2:00 p.m.
Briefing on Security Issues (Closed Ex. 1)

Week of May 14, 2018—Tentative

There are no meetings scheduled for the week of May 14, 2018.

Week of May 21, 2018—Tentative

There are no meetings scheduled for the week of May 21, 2018.

Week of May 28, 2018—Tentative

There are no meetings scheduled for the week of May 28, 2018.

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* Braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or you may email *Patricia.Jimenez@nrc.gov* or *Wendy.Moore@nrc.gov.*

Dated: April 20, 2018.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2018–08634 Filed 4–20–18; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0073]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from March 27 to April 9, 2018. The last biweekly notice was published on April 10, 2018.

DATES: Comments must be filed by May 24, 2018. A request for a hearing must be filed by June 25, 2018.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0073. 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.

• *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Beverly Clayton, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–3475, email: *Beverly.Clayton@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0073, facility name, unit number(s), plant docket number, application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0073.

• *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.

B. Submitting Comments

Please include Docket ID NRC–2018–0073, facility name, unit number(s), plant docket number, application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (First Floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the

hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory

documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Exelon Generation Company, LLC, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Unit Nos. 1 and 2, Rock Island County, Illinois

Date of amendment request: February 26, 2018. A publicly-available version is in ADAMS under Accession No. ML18057B125.

Description of amendment request: The proposed amendment would add, delete, modify and replace numerous technical specification (TS) requirements related to operations that have the potential for draining the reactor vessel (OPDRVs) with new requirements on reactor pressure vessel water inventory control (RPV WIC) to protect TS Safety Limit 2.1.1.3. The proposed changes are based on Technical Specifications Task Force (TSTF) traveler TSTF–542, ''Reactor Pressure Vessel Water Inventory Control.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change replaces existing TS requirements related to OPDRVs with new requirements on RPV WIC that will protect Safety Limit 2.1.1.3. Draining of RPV water inventory in Mode 4 (*i.e.,* cold shutdown) and Mode 5 (*i.e.,* refueling) is not an accident previously evaluated and, therefore, replacing the existing TS controls to prevent or mitigate such an event with a new set of controls has no effect on any accident previously evaluated. RPV water inventory control in Mode 4 or Mode 5 is not an initiator of any accident previously evaluated. The existing OPDRV controls or the proposed RPV WIC controls are not mitigating actions assumed in any accident previously evaluated.

The proposed change reduces the probability of an unexpected draining event (which is not a previously evaluated accident) by imposing new requirements on the limiting time in which an unexpected draining event could result in the reactor vessel water level dropping to the top of the active fuel (TAF). These controls require cognizance of the plant configuration and control of configurations with unacceptably short drain times. These requirements reduce the probability of an unexpected draining event. The current TS requirements are only mitigating actions and impose no requirements that reduce the probability of an unexpected draining event.

The proposed change reduces the consequences of an unexpected draining event (which is not a previously evaluated accident) by requiring an Emergency Core Cooling System (ECCS) subsystem to be operable at all times in Modes 4 and 5. The current TS requirements do not require any water injection systems, ECCS or otherwise, to be operable in certain conditions in Mode 5. The change in requirement from two ECCS subsystems to one ECCS subsystem in Modes 4 and 5 does not significantly affect the consequences of an unexpected draining event because the proposed Actions ensure equipment is available within the limiting drain time that is as capable of mitigating the event as the current requirements. The proposed controls provide escalating compensatory measures to be established as calculated drain times decrease, such as verification of a second method of water injection and additional confirmations that secondary containment and/or filtration would be available if needed.

The proposed change reduces or eliminates some requirements that were determined to be unnecessary to manage the consequences of an unexpected draining event, such as automatic initiation of an ECCS subsystem and control room ventilation. These changes do not affect the consequences of any accident previously evaluated since a draining event in Modes 4 and 5 is not a previously evaluated accident and the requirements are not needed to adequately respond to a draining event.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed change replaces existing TS requirements related to OPDRVs with new requirements on RPV WIC that will protect Safety Limit 2.1.1.3. The proposed change will not alter the design function of the equipment involved. Under the proposed change, some systems that are currently

required to be operable during OPDRVs would be required to be available within the limiting drain time or to be in service depending on the limiting drain time. Should those systems be unable to be placed into service, the consequences are no different than if those systems were unable to perform their function under the current TS requirements.

The event of concern under the current requirements and the proposed change is an unexpected draining event. The proposed change does not create new failure mechanisms, malfunctions, or accident initiators that would cause a draining event or a new or different kind of accident not previously evaluated or included in the design and licensing bases.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change replaces existing TS requirements related to OPDRVs with new requirements on RPV WIC. The current requirements do not have a stated safety basis and no margin of safety is established in the licensing basis. The safety basis for the new requirements is to protect Safety Limit 2.1.1.3. New requirements are added to determine the limiting time in which the RPV water inventory could drain to the top of the fuel in the reactor vessel should an unexpected draining event occur. Plant configurations that could result in lowering the RPV water level to the TAF within one hour are now prohibited. New escalating compensatory measures based on the limiting drain time replace the current controls. The proposed TS establish a safety margin by providing defense-in-depth to ensure that the Safety Limit is protected and to protect the public health and safety. While some less restrictive requirements are proposed for plant configurations with long calculated drain times, the overall effect of the change is to improve plant safety and to add safety margin.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Nuclear, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: David J. Wrona.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Exelon Generation Company, LLC, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Exelon Generation Company, LLC, Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Unit Nos. 2 and 3, Grundy County, Illinois

Exelon Generation Company, LLC and Exelon FitzPatrick, LLC, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Unit Nos. 1 and 2, LaSalle County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–352 and No. 50–353, Limerick Generating Station, Unit Nos. 1 and 2, Montgomery County, Pennsylvania

Exelon Generation Company, LLC, Docket Nos. 50–220 and 50–410, Nine Mile Point Nuclear Station, Unit Nos. 1 and 2, Oswego County, New York

Exelon Generation Company, LLC, and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York and Lancaster Counties, Pennsylvania

Exelon Generation Company, LLC, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Unit Nos. 1 and 2, Rock Island County, Illinois

Exelon Generation Company, LLC, Docket No. 50–244, R.E. Ginna Nuclear Power Plant, Wayne County, New York

Exelon Generation Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1, Dauphin County, Pennsylvania

Date of amendment request: March 1, 2018. A publicly-available version is in ADAMS under Accession No. ML18060A266.

Description of amendment request: The amendments would revise the technical specifications for each facility to relocate the staff qualification requirements to the Exelon Generation Company, LLC (EGC) quality assurance topical report.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not make any physical changes to the plants, are administrative in nature, and do not alter accident analysis assumptions, add any initiators or affect the function of plant systems, or the manner in which systems are operated, maintained, tested, or inspected. The proposed changes do not require any plant modifications which affect the performance capability of the structures, systems and components relied upon to mitigate the consequences of postulated accidents. The unit/facility/plant staff qualification requirements remain the same and are being relocated from the Technical Specifications (TS) to the EGC Quality Assurance Topical Report (QATR).

Based on the above discussion, EGC concludes that the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Will the operation of the facility in accordance with the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve changes to unit/facility/plant staff selection, qualification and training programs, are administrative in nature, and do not impact physical plant systems. The qualification standards are being relocated from the TS to the EGC QATR. As a result, the ability of the plant to respond to and mitigate accidents is unchanged by the proposed changes. The proposed changes do not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected.

Based on the above discussion, EGC concludes that the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Will operation of the facility in accordance with the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes are administrative in nature. The proposed changes do not affect plant design, hardware, system operation, or procedures for accident mitigation systems. The proposed changes do not impact any plant safety margins that are established in existing limiting conditions for operation, limiting safety systems settings and specified

safety limits. There are no changes in the established safety margins of these systems. The proposed changes do not impact the performance or proficiency requirements for licensed operators or unit/facility/plant staff, since the qualification standards are not changing and are only being relocated from the TS to the EGC QATR. As a result, the ability of the plant to respond to and mitigate accidents is unchanged by the proposed changes. Therefore, these proposed changes do not involve a significant reduction in a margin of safety.

Based on the above discussion, EGC concludes that the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: David J. Wrona.

FirstEnergy Nuclear Operating Company, Docket No. 50–440, Perry Nuclear Power Plant, Unit No. 1, Lake County, Ohio

Date of amendment request: February 14, 2018. A publicly-available version is in ADAMS under Accession No. ML18045A195.

Description of amendment request: The proposed amendment would revise Technical Specification Surveillance Requirement 3.3.1.1.2 to verify that the calculated power is no more than 2 percent greater than the average power range monitor (APRM) channel output when operating at greater than or equal to 23.8 percent of rated thermal power. The proposed change is based on Technical Specifications Task Force (TSTF) traveler TSTF–546, ''Revise APRM Channel Adjustment Surveillance Requirement.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The APRM system and the RPS [reactor protection system] are not initiators of any accidents previously evaluated. As a result, the proposed change does not affect the probability of any accident previously evaluated. The APRM system and the RPS functions act to mitigate the consequences of accidents previously evaluated. The reliability of APRM system and the RPS is not significantly affected by removing the gain adjustment requirement on the APRM channels when the APRMs are calibrated conservatively with respect to the calculated heat balance. This is because the actual core thermal power at which the reactor will automatically trip is lower, thereby increasing the margin to the core thermal limits and the limiting safety system settings assumed in the safety analyses. The consequences of an accident during the adjustment of the APRM instrumentation are no different from those during the existing surveillance testing period or the existing time allowed to restore the instruments to operable status. As a result, the ability of the APRM system and the RPS to mitigate any accident previously evaluated is not significantly affected.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not alter the protection system design, create new failure modes, or change any modes of operation. The proposed change does not involve a physical alteration of the plant; no new or different kind of equipment will be installed. Consequently, there are no new initiators that could result in a new or different kind of accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The margin of safety provided by the APRM system and the RPS is to ensure that the reactor is shut down automatically when plant parameters exceed the setpoints for the system. Any reduction in the margin of safety resulting from the adjustment of the APRM channels while continuing operation is considered to be offset by delaying a plant shutdown (*i.e.,* a transient) for a short time with the APRM system, the primary indication of core power and an input to the RPS, not calibrated. Additionally, the short time period required for adjustment is consistent with the time allowed by Technical Specifications to restore the core power distribution parameters to within limits and is acceptable based on the low probability of a transient or design basis accident occurring simultaneously with inaccurate APRM channels.

The proposed change does not alter setpoints or limits established or assumed by the accident analyses. The Technical Specifications continue to require operability of the RPS functions, which provide core protection for postulated reactivity insertion events occurring during power operating conditions consistent with the plant safety analyses.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David W. Jenkins, Attorney, FirstEnergy Corporation, Mail Stop A–GO–15, 76 South Main Street, Akron, OH 44308.

NRC Branch Chief: David J. Wrona.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Unit Nos. 3 and 4, Burke County, Georgia

Date of amendment request: January 31, 2018. A publicly-available version is in ADAMS under Accession No. ML18031B181.

Description of amendment request: The amendment request proposes to depart from the approved combined license (COL) Appendix A, Technical Specifications. The proposed changes revise COL Appendix A, Surveillance Requirements (SR) 3.8.1.2 to identify that the required minimum amperage output for the battery chargers is 150 amps. Additionally, the proposed changes revise COL Appendix A, SR 3.8.7.6 to align the test frequency with the expected life of the AP1000 Class 1E batteries. This submittal requests approval of the license amendment necessary to implement these changes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below with NRC staff's edits in square brackets:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The changes do not involve an interface with any [structure, system, and component (SSC)] accident initiator or initiating sequence of events, and thus, the probabilities of the accidents evaluated in the plant-specific [Updated Final Safety Analysis Report (UFSAR)] are not affected. The proposed changes do not involve a change to any mitigation sequence or the predicted radiological releases due to postulated accident conditions, thus, the consequences of the accidents evaluated in the UFSAR are not affected. Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not adversely affect any system or design function or equipment qualification as the change does not modify any SSCs that prevent safety functions from being performed. The changes do not introduce a new failure mode, malfunction or sequence of events that could adversely affect safety or safety-related equipment. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes would not affect any safety-related design code, function, design analysis, safety analysis input or result, or existing design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged or exceed the requested changes. Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer Dixon-Herrity.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Progress, LLC, Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: May 22, 2017, as supplemented by letters dated October 30 and November 29, 2017.

Brief description of amendment: The amendment revised the licensing basis as described in Updated Final Safety Analysis Report to provide gap release fractions for high-burnup fuel rods that exceed the 6.3 kilowatt per foot linear heat generation rate limit detailed in Table 3 of Regulatory Guide 1.183 (ADAMS Accession No. ML003716792).

Date of issuance: March 26, 2018.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment No.: 163. A publicly-available version is in ADAMS under Accession No. ML18045A060; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–63: Amendment revised the Renewed Facility Operating License.

*Date of initial notice in **Federal Register:*** August 29, 2017 (82 FR 41067). The supplemental letters dated October 30 and November 29, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 26, 2018.

No significant hazards consideration comments received: No.

Energy Northwest, Docket No. 50–397, Columbia Generating Station (CGS), Benton County, Washington

Date of application for amendment: March 27, 2017, as supplemented by letter dated January 2, 2018.

Brief description of amendment: The amendment revised CGS Technical Specification (TS) 5.5.12, ''Primary Containment Leakage Rate Testing Program,'' in accordance with Nuclear Energy Institute (NEI) 94–01, Revision 3–A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, Appendix J,'' July 2012, and the conditions and limitations specified in NEI 94–01, Revision 2–A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, Appendix J,'' dated October 2008, which serves as the guidance document for implementation of performance-based Option B of 10 CFR part 50, Appendix J.

Date of issuance: March 30, 2018.

Effective date: As of its date of issuance and shall be implemented within 120 days from the date of issuance.

Amendment No.: 247. A publicly-available version is in ADAMS under Accession No. ML18052B185; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–21: The amendment revised the Renewed Facility Operating License and TSs.

*Date of initial notice in **Federal Register:*** June 6, 2017 (82 FR 26131). The supplemental letter dated January 2, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 30, 2018.

No significant hazards consideration comments received: No.

Entergy Nuclear Operations, Inc., Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: May 15, 2017, as supplemented by letter dated November 16, 2017.

Brief description of amendment: The amendment is for a revision to the site emergency plan and emergency action

level scheme to reflect an Independent Spent Fuel Storage Instillation (ISFSI)-only configuration for the storage of spent nuclear fuel onsite once all of the spent nuclear fuel is placed in the ISFSI in 2018.

Date of issuance: March 30, 2018.

Effective date: This license amendment is effective as of the date the licensee notifies the NRC in writing that all spent nuclear fuel assemblies have been transferred out of the spent fuel pool and have been placed in dry storage within the ISFSI. The license amendment shall be implemented within 60 days of the effective date.

Amendment No.: 267. A publicly-available version is in ADAMS under Accession No. ML18053A111; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. DPR–28: The amendment revised the Facility Operating License.

Date of initial notice in ***Federal Register****:* July 18, 2017 (82 FR 32879). The supplemental letter dated November 16, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 30, 2018.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–410, Nine Mile Point Nuclear Station, Unit 2, Oswego County, New York

Date of amendment request: February 28, 2017, as supplemented by letters dated November 3, December 27, 2017, January 12, and February 6, 2018.

Brief description of amendment: The amendment revises the Nine Mile Point Nuclear Station, Unit 2, Technical Specifications by replacing the existing specifications related to ''operations with a potential for draining the reactor vessel,'' with revised requirements for reactor pressure vessel water inventory control to protect Safety Limit 2.1.1.3, which requires reactor vessel water level to be greater than the top of active irradiated fuel. The revisions, with variations as noted in the license amendment request, are based on the NRC-approved Technical Specifications Task Force Traveler TSTF–542, Revision 2, ''Reactor Pressure Vessel Water Inventory Control'' (ADAMS Accession No. ML16074A448).

Date of issuance: March 28, 2018.

Effective date: As of the date of issuance and shall be implemented no later than the start of the Nine Mile Point Nuclear Station, Unit 2, spring 2018, refueling outage.

Amendment No.: 168. A publicly-available version is in ADAMS under Accession No. ML18073A364; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–69: Amendment revised the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** April 25, 2017 (82 FR 19102). The supplements dated November 3, December 27, 2017, January 12, and February 6, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 28, 2018.

No significant hazards consideration comments received: No.

Florida Power & Light Company, Docket No. 50–250, Turkey Point Nuclear Generating Unit No. 3, Miami-Dade County, Florida

Date of amendment request: December 18, 2017, as supplemented by letter dated February 16, 2018.

Brief description of amendment: The amendment revised the Technical Specifications to allow a one-time extension of the allowable outage time for the Unit 3 Containment Spray System from 72 hours to 14 days.

Date of issuance: April 3, 2018.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment No.: 280. A publicly-available version is in ADAMS under Accession No. ML18075A348; documents related to the amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–31: Amendment revised the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** January 30, 2018 (83 FR 4285). The supplemental letter dated February 16, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 3, 2018.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment request: May 23, 2017, as supplemented by letter dated December 8, 2017.

Brief description of amendments: The amendments change the emergency plan for the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, by revising the emergency action level scheme to one based on the Nuclear Energy Institute (NEI) document NEI 99–01, Revision 6, ''Development of Emergency Action Levels for Non-Passive Reactors.''

Date of issuance: April 5, 2018.

Effective date: As of the date of issuance and shall be implemented within 180 days of issuance.

Amendment Nos.: 339 (Unit No. 1) and 321 (Unit No. 2). A publicly-available version is in ADAMS under Accession No. ML18057B067; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–58 and DPR–74: Amendments revised the Renewed Facility Operating Licenses.

Date of initial notice in ***Federal Register:*** July 5, 2017 (82 FR 31098). The supplemental letter dated December 8, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 5, 2018.

No significant hazards consideration comments received: No.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit 1 (FCS), Washington County, Nebraska

Date of amendment request: June 16, 2017.

Brief description of amendment: The amendment would remove the FCS Cyber Security Plan (CSP) from FCS License Condition 3.C.

Date of issuance: March 28, 2018.

Effective date: As of April 7, 2018, and shall be implemented by July 6, 2018.

Amendment No.: 298. A publicly-available version is in ADAMS under Accession No. ML18047A661; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility License No. DPR–40: The amendment revised the Renewed Facility License.

Date of initial notice in ***Federal Register:*** August 15, 2017 (82 FR 38718).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 28, 2018.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP), Unit Nos. 3 and 4, Burke County, Georgia

Date of amendment request: September 29, 2017, and supplemented January 31, 2018.

Description of amendment: The amendment authorizes changes to the VEGP Unit Nos. 3 and 4 Combined License page 7, and Updated Final Safety Analysis Report, including Tier 2* and associated Tier 2 to depart from certain information related to human engineering deficiencies contained in Westinghouse Electric Company's report APP–OCS–GEH–320, titled, ''AP1000 Human Factors Engineering Integrated Systems Validation Plan.''

Date of issuance: March 22, 2018.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 116 (Unit 3) and 115 (Unit 4). The publicly-available versions are in an ADAMS package under Accession No. ML18044A071, which includes the Safety Evaluation that references documents related to this amendment.

Facility Combined Licenses Nos. NPF–91 and NPF–92: Amendment revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register:*** November 21, 2017 (82 FR 55413). The supplement dated January 31, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in the Safety Evaluation dated March 22, 2018.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP), Unit Nos. 3 and 4, Burke County, Georgia

Date of amendment request: September 22, 2017.

Description of amendment: The amendments consist of changes to Combined License Appendix A, Technical Specifications (TS). Specifically, the changes add new TS 3.1.10, Rod Withdrawal Test Exception—MODE 5, and modify TS Limiting Condition for Operation (LCO) 3.0.7, to allow rod movement and rod drop time testing under cold conditions (MODE 5). Additionally, the LCO Applicability of TS 3.4.8, Minimum Reactor Coolant System Flow, is revised to reflect its safety analysis basis.

Date of issuance: March 28, 2018.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 117 (Unit 3) and 116 (Unit 4). A publicly-available version is in ADAMS under Accession No. ML18060A411; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Combined Licenses Nos. NPF–91 and NPF–92: Amendment revised the Facility Combined License.

Date of initial notice in ***Federal Register:*** October 24, 2017 (82 FR 49240).

The Commission's related evaluation of the amendment is contained in the Safety Evaluation dated March 28, 2018.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP), Unit Nos. 3 and 4, Burke County, Georgia

Date of amendment request: July 28, 2017.

Description of amendment: The amendment authorizes changes to the VEGP Units 3 and 4 Updated Final Safety Analysis Report to change Technical Specification (TS) Section 1.1, ''Definition of Actuation Logic Test,'' by adding a new TS Section 1.1, ''Definition of Actuation Logic Output Test (ALOT),'' revising existing Surveillance Requirements (SR) 3.3.15.1 and 3.3.16.1, and adding new SR 3.3.15.2 and SR 3.3.16.2 to implement the new ALOT.

Date of issuance: March 29, 2018.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 119 (Unit 3) and 118 (Unit 4). A publicly-available version is in ADAMS under Accession No. ML18064A340, which contains documents that are related to this amendment and are listed in the Safety Evaluation enclosed with this amendment.

Facility Combined Licenses Nos. NPF–91 and NPF–92: Amendment revised the Facility Combined License.

Date of initial notice in ***Federal Register:*** November 21, 2017 (82 FR 55410).

The Commission's related evaluation of the amendment is contained in the Safety Evaluation dated March 29, 2018.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket No. 50–390, Watts Bar Nuclear Plant, Unit 1, Rhea County, Tennessee

Date of amendment request: March 16, 2017, as supplemented by letter dated August 31, 2017.

Brief description of amendment: The amendment revised Technical Specification Table 3.3.1–1, ''Reactor Trip System Instrumentation,'' to reflect plant modifications to the reactor protection system instrumentation associated with the turbine trip on low fluid oil pressure.

Date of issuance: March 28, 2018.

Effective date: As of the date of issuance and shall be implemented no later than startup from the Unit 1 refueling outage scheduled for fall 2018.

Amendment No.: 119. A publicly-available version is in ADAMS under Accession No. ML18052B347; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–90: Amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** June 6, 2017 (82 FR 26140). The supplemental letter dated August 31, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 28, 2018.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 12th day of April 2018.

For the Nuclear Regulatory Commission.

Tara Inverso,

Acting Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–08070 Filed 4–23–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0076]

Evaluating Electromagnetic and Radio-Frequency Interference in Safety-Related Instrumentation and Control Systems

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment Draft Regulatory Guide (DG), DG–1333, ''Guidelines for Evaluating Electromagnetic and Radio-Frequency Interference in Safety-Related Instrumentation and Control Systems.'' DG–1333 is proposed Revision 2 of Regulatory Guide (RG) 1.180, ''Guidelines for Evaluating Electromagnetic and Radio-Frequency Interference in Safety-Related Instrumentation and Control Systems,'' dated October 2003. This DG updates the guidance on electromagnetic compatibility (EMC) practices and test methods that the staff of the NRC consider acceptable for qualifying safety-related instrumentation and control (I&C) systems for the expected electromagnetic environment in nuclear power plants.

DATES: Submit comments by June 25, 2018. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

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

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for NRC–2018–0076. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Dawood, telephone: 301–415–2389, email: *David.Dawood@nrc.gov* and Michael Eudy, telephone: 301–415–6003, email: *Michael.Eudy@nrc.gov.* Both are staff members of the Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0076 when contacting the NRC about the availability of information regarding this action. You may obtain publically-available information related to this action, by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for DG–1333 or Docket ID NRC–2018–0076.
- *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.* This DG is electronically available in ADAMS under Accession No. ML16281A531. The regulatory analysis for this DG is available in ADAMS under Accession No. ML17188A397.
- *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.

B. Submitting Comments

Please include Docket ID NRC–2018–0076 in your comment submission. The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as enters the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Additional Information

The NRC is issuing for public comment a DG in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The DG entitled ''Guidelines for Evaluating Electromagnetic and Radio-Frequency Interference in Safety-Related Instrumentation and Control Systems,'' is proposed Revision 2 to RG 1.180. The proposed revised RG is temporarily identified by its task number, DG–1333. The proposed revised RG updates the guidance on EMC practices and test methods that the staff of the NRC consider acceptable for qualifying safety-related I&C systems for the expected electromagnetic environment in nuclear power plants. The revised RG endorses the current versions of previously endorsed military, Institute of Electrical and Electronics Engineers (IEEE), and International Electrotechnical Commission (IEC) specifications and standards; incorporates additional guidance for evaluating the effects of electrostatic discharge; and accounts for the evolution of the operational environment at nuclear power plants arising from the increased use of digital technology, including wireless communication for both personnel (personal digital assistants and smartphones) and industrial (remote I&C) applications.

Department of Defense, Federal, National Aeronautics and Space Administration, NASA, Department of Energy, and Government specifications,

standards, handbooks, and publications are available free from *www.EverySpec.com.* Copies of IEEE documents may be purchased from the Institute of Electrical and Electronics Engineers Service Center, 445 Hoes Lane, P.O. Box 1331, Piscataway, NJ 08855, or through the IEEE's public website at *http://www.ieee.org/publications_standards/index.html.* Copies of IEC documents may be obtained through its website at *http://www.iec.ch/* or by writing the IEC Central Office at P.O. Box 131, 3 Rue de Varembé, 1211 Geneva, Switzerland, telephone +41 22 919 02 11.

III. Backfitting and Issue Finality

This DG–1333, if finalized as Revision 2 to RG 1.180, would update the guidance on EMC practices and test methods that the staff of the NRC consider acceptable for qualifying safety-related I&C systems for the expected electromagnetic environment in nuclear power plants. The DG, if finalized, would not constitute backfitting as defined in title 10 of the *Code of Federal Regulations* (10 CFR) section 50.109 (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants.'' The subject of this DG, as described above, is an NRC-defined process that does not fall within the purview of subjects covered by either the Backfit Rule or the issue finality provision in 10 CFR part 52. Issuance of the DG, in final form, would not constitute backfitting, and no further consideration of backfitting is required in order to issue the draft or final RG in final form.

Dated at Rockville, Maryland, this 18th day of April 2018.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2018–08493 Filed 4–23–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Revised Notice of Meeting

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on May 3–4, 2018, 11545 Rockville Pike, Rockville, Maryland 20852.

Thursday, May 3, 2018, Conference Room T–2B1, 11545 Rockville Pike, Rockville, Maryland 20852

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:15 p.m.: APR1400: Large Break Loss-of-Coolant Accident (Closed)—The Committee will have briefings by and discussion with representatives of the NRC staff and Korea Hydro & Nuclear Power Co., Ltd., regarding the safety evaluation associated with the subject topical report. [**Note:** This session is closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4).]

10:30 a.m.–12:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4).]

1:00 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4).]

Friday, May 4, 2018, Conference Room T–2B1, 11545 Rockville Pike, Rockville, Maryland 20852

8:30 a.m.–10:00 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings. [**Note:** A portion of this meeting may be closed pursuant to 5 U.S.C. 552b (c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

10:00 a.m.–12:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4).]

1:00 p.m.–6:00 p.m.: Preparation of ACRS Reports/Retreat (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and potential retreat items. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4).] [**Note:** A portion of this meeting may be closed pursuant to 5 U.S.C. 552b (c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 4, 2017 (82 FR 46312). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS)

component of NRC's document system (ADAMS) which is accessible from the NRC website at *http://www.nrc.gov/reading-rm/adams.html or http://www.nrc.gov/reading-rm/doc-collections/ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–6702), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated at Rockville, Maryland, this 19th day of April 2018.

For the Nuclear Regulatory Commission.

Russell E. Chazell,

Federal Advisory Committee Management Officer.

[FR Doc. 2018–08483 Filed 4–23–18; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, April 26, 2018.

PLACE: Closed Commission Hearing Room 10800.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Piwowar, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: April 19, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–08619 Filed 4–20–18; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83061; File No. SR–NYSEAMER–2018–05]

Self-Regulatory Organizations; NYSE American LLC; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Establish an Electronic Price Improvement Auction for Complex Orders

April 18, 2018.

On February 15, 2018, NYSE American LLC (the ''Exchange'' or ''NYSE American'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to establish an electronic price improvement auction for complex orders. The proposed rule change was published for comment in the **Federal Register** on March 7, 2018.[3] The Commission has received no comments on the proposal.

Section 19(b)(2) of the Act [4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is April 21, 2018. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change.

Accordingly, pursuant to Section 19(b)(2) of the Act,[5] the Commission designates June 5, 2018, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEAMER–2018–05).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–08435 Filed 4–23–18; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 82802 (March 2, 2018), 83 FR 9769.

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83060; File No. SR–PEARL–2018–10]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Exchange Rule 503, Openings on the Exchange

April 18, 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 6, 2018, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 503, Openings on the Exchange.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX PEARL's principal

office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 503, Openings on the Exchange. Specifically, the Exchange proposes to amend subsection (b)(1)(i) and (b)(1)(ii) to make clarifying changes to add additional detail to the rule text which describes the two different scenarios that the Exchange uses to direct its Opening Process.[3] Additionally, the Exchange proposes to amend subsection (b)(2) and (b)(3) to make additional clarifying changes to align the rule text to the changes proposed in subsection (b)(1)(i) and (ii).

Currently, the Exchange has two separate sets of criteria, either of which must be satisfied in order to begin the Opening Process; one for when there is a possible trade on MIAX PEARL[4] and one for when there is not.[5] Specifically, Rule 503(b)(1)(i) states that to begin the Opening Process, ''[i]f there is a possible trade on MIAX PEARL, a Valid Width NBBO[6] must be present.'' The Exchange now proposes to amend this sentence to remove the phrase ''a possible trade'' and replace it with a more comprehensive description of scenarios which, if present, would require the presence of a Valid Width NBBO to begin the Opening Process, to better align the rule text to the current Exchange functionality. The Exchange therefore proposes to amend subsection (b)(1)(i) to state, ''[i]f there is locking or crossing interest on MIAX PEARL, or interest that locks or crosses the NBBO,[7] a Valid Width NBBO must be present.''

The following example demonstrates interest on MIAX PEARL that locks or crosses the NBBO.

Example 1

MIAX PEARL receives a Customer Do Not Route (''DNR'')[8] to sell 100 @ $.05 prior to the opening.

At 9:30 a.m. MIAX PEARL receives ABBO[9] market data from one other exchange.

ABBO: $.05 × $5.00
NBBO: $.05 × $5.00

The interest to sell @ $.05 on MIAX PEARL locks the NBBO.

The interest on MIAX PEARL is not routable and there is no other interest available on MIAX PEARL in this scenario. The Exchange's rules require a Valid Width NBBO[10] to be present to begin the Opening Process. The Exchange believes that requiring the presence of a Valid Width NBBO as a condition precedent to starting the Opening Process ensures that there is a sufficient quoted market in the options series which in turn will ensure that the Exchange's Opening Process determines a valid Opening Price.[11] The Exchange believes this requirement provides a level of price protection to orders on its Book[12] and will limit transactions from occurring at the opening at potentially erroneous prices.

Similarly, the Exchange also proposes to amend subsection (b)(1)(ii) to remove the phrase, ''no trade is possible'' and replace it with a more comprehensive description of the conditions which would result in the Exchange using its second set of criteria, which is not changing under this proposal, whereby any one of the conditions may be satisfied in order to begin the Opening Process. The Exchange therefore proposes to amend subsection (b)(1)(ii) to state, ''[i]f there is no locking or crossing interest on MIAX PEARL or interest that locks or crosses the NBBO, then the Exchange will open dependent upon one of the following: (A) A Valid Width NBBO is present; or (B) A certain number of other options exchanges (as determined by the Exchange and posted by MIAX PEARL on its website) have disseminated a firm quote on OPRA; or (C) A certain period of time (as determined by the Exchange and posted by MIAX PEARL on its website) has elapsed.''

Additionally, the Exchange proposes to amend the heading of subsection 503(b)(2) to align the rule text to the proposed changes discussed above. Currently, the heading reads, ''Opening Process Where There is a Possible Trade on MIAX PEARL.'' The Exchange proposes to amend this heading to state, ''Opening Process Where There is Locking or Crossing Interest on MIAX PEARL or Interest that Locks or Crosses the NBBO.'' Further, the Exchange proposes to amend the heading of subsection 503(b)(3) to align the rule text to the proposed changes discussed above. Currently, the heading reads, ''Opening Process Where There is No Possible Trade on MIAX PEARL.'' The Exchange now proposes to amend this heading to state, ''Opening Process Where There is No Locking or Crossing Interest on MIAX PEARL and no Interest that Locks or Crosses the NBBO.'' The Exchange believes that these proposed changes harmonize the rule text with the proposed amendments to subsection (b)(1)(i) and (ii).

The Exchange notes that the proposed changes are clarifying changes only that will not alter the current behavior of the Exchange's Opening Process. The Opening Process where there is locking or crossing interest on MIAX PEARL or interest that locks or crosses the NBBO will remain unchanged.[13] Likewise, the Opening Process for where there is no locking or crossing interest on MIAX PEARL and no interest that locks or crosses the NBBO will remain unchanged. Orders in the System will be handled at the conclusion of the Opening Process in time sequence, beginning with the order with the oldest time stamp and may, in whole or in part, be placed on the Book, cancelled, executed, managed in accordance with Rule 515, or routed in accordance with Rule 529.[14]

The proposed rule change provides additional clarification and better aligns the rule text to how the Opening Process operates in production, and provides consistency in the Exchange's rules

[3] *See* Exchange Rule 503(a)(1).

[4] *See* Exchange Rule 503(b)(1)(i).

[5] *See* Exchange Rule 503(b)(1)(ii).

[6] *See* Exchange Rule 503(a)(4).

[7] The term ''NBBO'' means the national best bid or offer as calculated by the Exchange based on market information received by the Exchange from OPRA. *See* Exchange Rule 100.

[8] A Do Not Route or ''DNR'' order is an order that will never be routed outside of the Exchange regardless of the prices displayed by away markets. *See* Exchange Rule 516(g).

[9] The term ''ABBO'' or ''Away Best Bid or Offer'' means the best bid(s) or offer(s) disseminated by other Eligible Exchanges (defined in Rule 1400(f)) and calculated by the Exchange based on market information received by the Exchange from OPRA. *See* Exchange Rule 100.

[10] The Exchange notes that the current calculation of a Valid Width NBBO on MIAX PEARL requires the disseminated quotes of at least two other exchanges and the quotes of at least one MIAX PEARL Market Maker.

[11] *See* Exchange Rule 503(b)(2)(i).

[12] The term ''Book'' means the electronic book of buy and sell orders and quotes maintained by the System. *See* Exchange Rule 100.

[13] *See* Exchange Rule 503(b)(2)(i)–(iv).

[14] *See* Exchange Rule 503(b)(3).

concerning the operation of the Exchange's Opening Process.

2. Statutory Basis

MIAX PEARL believes that its proposed rule change is consistent with Section 6(b) of the Act [15] in general, and furthers the objectives of Section 6(b)(5) of the Act [16] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in, securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed changes to its rulebook add additional detail and provide further clarification to Members, investors, and the Public, regarding the operation of the Exchange's Opening Process. The Exchange believes it is in the interest of investors and the public to accurately describe the behavior of the Exchange's System in its rules as this information may be used by investors to make decisions concerning the submission of their orders. Transparency and clarity are consistent with the Act because it removes impediments to and helps perfect the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest by accurately describing the behavior of the Exchange's System.

Currently the rule requires the presence of a Valid Width NBBO to begin the Opening Process when there is locking or crossing interest on the Exchange (a possible trade), the additional rule text requires the presence of a Valid Width NBBO to begin the Opening Process when there is interest that locks or crosses the NBBO, which similarly serves to protect routable and non-routable interest on the Book. The Exchange believes that requiring a Valid Width NBBO to be present prior to beginning the Opening Process when there is locking or crossing interest on the Exchange, or interest that locks or crosses the NBBO, ensures that the option series is being sufficiently quoted to allow meaningful price discovery. The Exchange's current Valid Width NBBO calculation requires the disseminated quotes of at least two other exchanges and the quotes of at least one MIAX PEARL Market Maker.[17] The Exchange believes that using quotes from competing options exchanges, in addition to quotes from its own Market Maker, ensures that the Exchange can calculate a valid Opening Price.[18] The Exchange believes that its Valid Width NBBO requirement contributes to the operation of a fair and orderly market, and in general, protects investors and the public interest by reducing the chance that the Exchange could execute opening transactions at a potentially erroneous Opening Price.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change does not alter any functionality of the Exchange's System and is designed to add additional clarity and detail to the Exchange's rules.

The Exchange does not believe that the proposed rule change will impose any burden on inter-market competition as the Rules apply equally to all Exchange Members. The proposed rule change is not a competitive filing and is intended to enhance the protection of investors by ensuring that there is a sufficient quoted market from which the Exchange can determine a valid Opening Price. Additionally, the proposed rule change provides additional detail and clarity to the Exchange's rulebook regarding the Exchange's Opening Process.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act [19] and Rule 19b–4(f)(6) [20] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. 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–PEARL–2018–10 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–PEARL–2018–10. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] *See supra* note 10.

[18] *See supra* note 11.

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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–PEARL–2018–10 and should be submitted on or before May 15, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–08434 Filed 4–23–18; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2018–0015]

Agency Information Collection Activities: Proposed Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*

(SSA), Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2018–0015].

The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than June 25, 2018. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Claimant's Medication—20 CFR 404.1512 & 416.912—0960–0289. In cases where claimants request a hearing after denial of their disability claim for Social Security, SSA uses Form HA–4632 to request information from the claimant regarding the medications they use. This information helps the administrative law judge overseeing the case to fully investigate: (1) The claimant's medical treatment, and (2) the effects of the medications on the claimant's medical impairments and functional capacity. The respondents are applicants (or their representatives) for Old Age, Survivors, and Disability Insurance benefits or SSI payments who request a hearing to contest an agency denial of their claim.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
HA–4632 (paper)	20,000	1	15	5,000
Electronic Records Express	180,000	1	15	45,000
Total	200,000			50,000

2. Disability Report—Adult—20 CFR 404.1512 & 416.912—0960–0579. State Disability Determination Services (DDS) use the SSA–3368 and its electronic versions to determine if adult disability applicants' impairments are severe and, if so, how the impairments affect the applicants' ability to work. This determination dictates whether the DDSs and SSA will find the applicant disabled and entitled to SSI payments. The respondents are applicants for Title II disability benefits or Title XVI SSI payments.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
SSA–3368 (Paper form)	7,571	1	90	11,357
Electronic Disability Collection System (EDCS)	2,484,231	1	90	3,726,347
i3368 (Internet)	1,060,360	1	90	1,590,540
Totals	3,552,162			5,328,244

3. Representative Payee Report-Special Veterans Benefits—20 CFR 408.665—0960–0621. Title VIII of the Act allows for payment of monthly Social Security benefits to qualified World War II veterans residing outside the United States. An SSA-appointed representative payee may receive and manage the monthly payment for the beneficiary's use and benefit. SSA uses the information on Form SSA–2001–F6 to determine whether the representative payee used the certified payments properly, and continues to demonstrate strong concern for the beneficiary's best

[21] 17 CFR 200.30–3(a)(12).

interests. Representative payees who receive SVB on behalf of beneficiaries residing outside the United States must complete the SSA–2001–F6 annually. We also require these representative payees to complete the form any time we have reason to believe they could be misusing the benefit payments. The respondents are individuals or organizations serving as representative payees who receive SVB on behalf of beneficiaries living outside the United States.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–2001–F6	16	1	20	5

4. Data Exchange Request Form—20 CFR 401.100—0960–0802. SSA maintains approximately 3,000 data exchange agreements and regularly receives new requests from Federal, State, local, and foreign governments, as well as private organizations, to share data electronically. SSA engages in various forms of data exchanges from Social Security number verifications to computer matches for benefit eligibility, depending on the requestor's business needs. Section 1106 of the Social Security Act requires we consider the requestor's legal authority to receive the data, our disclosure policies, systems' feasibility, systems' security, and costs before entering into a data exchange agreement. We use Form SSA–157, Data Exchange Request Form, for this purpose. Requesting agencies, governments, or private organizations use the SSA–157 when voluntarily initiating a request for data exchange from SSA. Respondents are Federal, State, local, and foreign governments, as well as private organizations seeking to share data electronically with SSA.

Type of Request: Revision of an OMB approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
State, local, and tribal governments	99	1	30	50
Private sector organizations	22	1	30	11
Totals	121			61

Dated: April 19, 2018.

Faye Lipsky,

Director of Regulations and Reports Clearance, Social Security Administration.

[FR Doc. 2018–08462 Filed 4–23–18; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 10399]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Toward a Concrete Utopia: Architecture in Yugoslavia, 1948–1980'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Toward a Concrete Utopia: Architecture in Yugoslavia, 1948–1980,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Museum of Modern Art, New York, New York, from on or about July 15, 2018, until on or about January 13, 2019, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–08642 Filed 4–23–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10393]

Privacy Act of 1974; System of Records

AGENCY: Department of State.

ACTION: Notice of a Modified System of Records.

SUMMARY: Information in Employee Contact Records is used to develop the official locator directories for all personnel, to communicate with the listed categories of individuals in the event of an emergency in which designated contact information will be used, to communicate with designated emergency contacts or next of kin, for mail forwarding purposes of the employee, and to answer official inquiries regarding the location of an employee.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this modified system of records will be effective upon publication, with the exception of new routine uses (a), (b), and (c) that are subject to a 30-day period during which interested persons may submit comments to the Department. Please submit any comments by May 24, 2018.

ADDRESSES: Questions can be submitted by mail or email. If mail, please write to:

U.S. Department of State; Office of Global Information Systems, Privacy Staff; A/GIS/PRV; SA–2, Suite 8100; Washington, DC 20522–0208. If email, please address the email to the Senior Agency Official for Privacy, Mary R. Avery, at *Privacy@state.gov* or call (202) 663–2215. Please write ''Employee Contact Records, State-40'' on the envelope or the subject line of your email.

FOR FURTHER INFORMATION CONTACT: Mary R. Avery, Senior Agency Official for Privacy; U.S. Department of State; Office of Global Information Services, A/GIS; SA–2, Suite 8100; Washington, DC 20522–0208; at *Privacy@state.gov,* or (202) 663–2215.

SUPPLEMENTARY INFORMATION: The purpose of this modification is twofold: (1) To consolidate two existing records systems (Employee Contact Records, State-40 and Foreign Service Employee Locator/Notification Records, State-12) into a single modified State-40, because the records and system purposes are substantially similar, and (2) to make substantive and administrative changes to a variety of sections. These changes reflect movement to cloud storage, new OMB guidance, and new emergency notification procedures. The modified system of records will include modifications and/or additions to the following sections: Categories of Individuals Covered by the System; Categories of Records in the System; Purpose(s) of the System; Routine Uses of Records Maintained in the System, Including Categories of Users and Purposes of Such Uses; Policies and Practices for Storage of Records; Policies and Practices for Retrieval of Records; and Administrative, Technical, and Physical Safeguards, as well as other administrative updates.

SYSTEM NAME AND NUMBER

Employee Contact Records, State-40.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Department of State (''Department''); 2201 C Street NW, Washington, DC 20520 and within a government cloud provided, implemented and overseen by the Department's Enterprise Server Operations Center (ESOC), 2201 C Street NW, Washington, DC 20520.

SYSTEM MANAGER(S):

There are four system managers: (1) Division Chief, Bureau of Administration, Office of Emergency Management, 2430 E Street NW, Washington, DC 20520 on (202) 776–8600; (2) The Chief Information Officer, Bureau of Information Resource Management, Enterprise Resource Management, 2201 C Street NW Washington, DC 20520. Contact information is either *ITServiceCenter@state.gov* or (202) 647–2000; (3) Chief, Employee Services Center, Department of State, 2201 C Street NW, Washington, DC 20520, (202) 647–4054; and (4) Division Chief, A/EX/ITS, Department of State, 600 19th Street NW, Washington, DC 20431, (202) 485–7147.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 (Management of the Department of State); 22 U.S.C. 2581 (General Authority of Secretary of State); 22 U.S.C 2651a (Organization of the Department of State); National Security Presidential Directive (NSPD) -51/Homeland Security Presidential Directive (HSPD)—20 (May 4, 2007); National Continuity Policy Implementation Plan (August 2007); and Federal Continuity Directive 1 (February 2008).

PURPOSE(S) OF THE SYSTEM:

The public and non-public information contained in the system is collected and maintained by the Department and is used: (1) To develop the official locator directories for all personnel; (2) to communicate with the categories of individuals listed in the next section in the event of an emergency in which designated contact information will be used; (3) to communicate with designated emergency contacts or next of kin; (4) for mail forwarding purposes of the employee; and (5) to answer official inquiries regarding the location of an employee.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Foreign and Civil Service employees, U.S. Government employees who fall under a Chief of Mission's (COM) security responsibility; contractors; locally employed staff; employees on intermittent, temporary, and limited appointments; interns; and designated emergency contacts or next of kin to include eligible family members who fall under a Chief of Mission's security responsibility, members of households at overseas posts, and other individuals living/working on Mission property with COM permission who voluntarily agree to provide personal contact information to the Department of State for emergency notification and accountability purposes. Additionally, it includes retired employees. The Privacy Act defines an individual at 5 U.S.C. 552a(a)(2) as a United States citizen or lawful permanent resident.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the following contact information, as applicable, for those individuals listed in the preceding section: Name, office contact information (current post assignment, employment affiliation, work title, domestic facility location, work address, and work phone numbers), personal contact information (personal phone numbers, personal email address, home address, local address), emergency contact information, employment type, the last four-digits of a Social Security number, Global Employment Management System (GEMS) number, mail forwarding instructions, name of spouse, names of dependents, and school address.

RECORD SOURCE CATEGORIES:

The information is compiled directly from the individual and from Department automated sources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Information in Employee Contact Records is used to answer inquiries regarding the location of individuals listed in the Categories of Individuals section. The Department will use the information to notify an emergency contact or next-of-kin in the event of an emergency, crisis or death of the employee, or to contact individuals listed in the categories of individuals section in the event of an emergency at the location where they are assigned abroad to determine if they are safe, or to locate an individual listed in the categories of individuals section in the event of a family emergency or death. The information may also be released to:

(a) Non-governmental agencies or entities during a disaster for purposes of emergency response.

(b) Appropriate agencies, entities, and persons when (1) the Department of State suspects or has confirmed that there has been a breach of the system of records; (2) the Department of State has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of State (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of State efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(c) Another Federal agency or Federal entity, when the Department of State determines that information from this

system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

The Department of State periodically publishes in the **Federal Register** its standard routine uses that apply to all of its Privacy Act systems of records. The notices appear in the form of a Prefatory Statement (published in Volume 73, Number 136, Public Notice 6290, on July 15, 2008). All these standard routine uses apply to the Employee Contact Records, State-40.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored both in hard copy and on electronic media. A description of standard Department of State policies concerning storage of electronic records is found here *https://fam.state.gov/FAM/05FAM/05FAM0440.html.* All hard copies of records containing personal information are maintained in secured file cabinets in restricted areas, access to which is limited to authorized personnel.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by individual's name, dependent name, spouse name and GEMS number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The records retention schedules vary according to function. Some records are transitory in nature and are kept for up to 72 hours while others are kept as long as five years after the employee resigns or retires. These records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with published record schedules of the Department of State and as approved by the National Archives and Records Administration (NARA) and outlined here *https://foia.state.gov/Learn/RecordsDisposition.aspx.* More specific information may be obtained by writing to: U.S. Department of State; Director, Office of Information Programs and Services; A/GIS/IPS; SA–2, Suite 8100; Washington, DC 20522–0208; or by fax at 202–261–8571.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

All users are given cyber security awareness training that covers the procedures for handling Sensitive But Unclassified (SBU) information, including personally identifiable information (PII). Annual refresher training is mandatory. In addition, all Foreign Service and Civil Service employees and those Locally Employed Staff who handle PII are required to take the Foreign Service Institute distance learning course instructing employees on privacy and security requirements, including the rules of behavior for handling PII and the potential consequences if it is handled improperly.

Access to the Department of State, its annexes and posts abroad is controlled by security guards and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. While the majority of records covered in the Employee Contact Records are electronic, all paper records containing personal information are maintained in secured file cabinets in restricted areas, access to which is limited to authorized personnel. Access to computerized files is password-protected and under the direct supervision of the system manager. The system manager has the capability of printing audit trails of access from the computer media, thereby permitting regular and ad hoc monitoring of computer usage. When it is determined that a user no longer needs access, the user account is disabled.

Before being granted access to Employee Contact Records a user must first be granted access to the Department of State computer system. Remote access to the Department of State network from non-Department owned systems is authorized only to unclassified systems and only through a Department approved access program. Remote access to the network is configured with the authentication requirements contained in the Office of Management and Budget Circular Memorandum A–130. All Department of State employees and contractors with authorized access have undergone a thorough background security investigation.

The Department of State will store records maintained in this system of records in cloud systems. All cloud systems that provide IT services and process Department of State information must be authorized to operate by the Department of State Authorizing Official and Senior Agency Official for Privacy. Only information that conforms with Department-specific definitions for FISMA low or moderate categorization are permissible for cloud usage unless specifically authorized by the Department's Cloud Computing Governance Board. Prior to operation, all Cloud systems must comply with applicable security measures that are outlined in FISMA, FedRAMP, OMB guidance, NIST Federal Information Processing Standards (FIPS) and Special Publications, and Department of State policy and standards.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to or to amend records pertaining to themselves should write to U.S. Department of State; Director, Office of Information Programs and Services; A/GIS/IPS; SA–2, Suite 8100; Washington, DC 20522–0208. The individual must specify that he or she wishes the Employee Contact Records to be checked. At a minimum, the individual must include: Full name (including maiden name, if appropriate) and any other names used; current mailing address and zip code; date and place of birth notarized signature or statement under penalty of perjury; a brief description of the circumstances that caused the creation of the record (including the city and/or country and the approximate dates) which gives the individual cause to believe that the Employee Contact Records include records pertaining to him or her. Detailed instructions on Department of State procedures for accessing and amending records can be found at *https://foia.state.gov/Request/Guide.aspx.*

CONTESTING RECORD PROCEDURES:

Individuals who wish to contest record procedures should write to U.S. Department of State; Director, Office of Information Programs and Services; A/GIS/IPS; SA–2, Suite 8100; Washington, DC 20522–0208.

NOTIFICATION PROCEDURES:

Individuals who have reason to believe that this system of records may contain information pertaining to them may write to U.S. Department of State; Director, Office of Information Programs and Services; A/GIS/IPS; SA–2, Suite 8100; Washington, DC 20522–0208. The individual must specify that he or she wishes the Employee Contact Records to be checked. At a minimum, the individual must include: Full name (including maiden name, if appropriate) and any other names used; current mailing address and zip code; date and place of birth; notarized signature or statement under penalty of perjury; a brief description of the circumstances that caused the creation of the record (including the city and/or country and the approximate dates) which gives the individual cause to believe that the

Employee Contact Records include records pertaining to him or her.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

The Department of State proposes to consolidate two record systems: Employee Contact Records, State-40 (previously published at 75 FR 67431) and Foreign Service Employee Locator Notification Records, State-12 (previously published at 42 FR 49705).

Mary R. Avery,

Senior Agency Official for Privacy, Senior Advisor, Office of Global Information Services, Bureau of Administration, Department of State.

[FR Doc. 2018–08485 Filed 4–23–18; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2018–31]

Petition for Exemption; Summary of Petition Received; The Boeing Company

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before May 14, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0257 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Deana Stedman, AIR–673, Federal Aviation Administration, 2200 S 216th Street, Des Moines, WA 98198, phone 206–231–3187, email *Deana.Stedman@faa.gov;* or Alphonso Pendergrass, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, phone 202–267–4713, email *Alphonso.Pendergrass@faa.gov.*

This notice is published pursuant to 14 CFR 11.85.

Issued in Des Moines, Washington, on April 19, 2018.

Victor Wicklund,

Manager, Transport Standards Branch.

Petition for Exemption

Docket No.: FAA–2018–0257.

Petitioner: The Boeing Company.

Sections of 14 CFR Affected: §§ 25.901(c), 25.979(b), 25.979(c), 25.1309(b), 25.1322(a)(1).

Description of Relief Sought: Boeing Defense Space and Security is petitioning for an exemption of the affected sections of 14 CFR until June 30, 2019, to allow supplemental type certification of the Model 767–2C tanker airplane. The subject of the petition is the aerial refueling controller and associated software.

[FR Doc. 2018–08540 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent of Waiver With Respect to Land; Willoughby Lost Nation Municipal Airport, Willoughby, Ohio

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA is considering a proposal to change 10.667 acres of airport land from aeronautical use to non-aeronautical use and to authorize the sale of airport property located at Willoughby Lost Nation Municipal Airport, Willoughby, Ohio. The aforementioned land is not needed for aeronautical use.

The proposed non-aeronautical use of the property is for a compatible 120,000 square foot manufacturing facility and office space development. The property has been appraised and the airport will receive Fair Market Value for the land to be sold.

DATES: Comments must be received on or before May 24, 2018.

ADDRESSES: Documents are available for review by appointment at the FAA Detroit Airports District Office, Evonne M. McBurrows, Program Manager, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174 Telephone: (734) 229–2945/Fax: (734) 229–2950 and Lake County Ohio Port and Economic Development Authority, One Victoria Place, Painesville, Ohio 44077 and (440) 357–2290.

Written comments on the Sponsor's request must be delivered or mailed to: Evonne M. McBurrows, Program Manager, Federal Aviation Administration, Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174, Telephone Number: (734) 229–2945/ FAX Number: (734) 229–2950.

FOR FURTHER INFORMATION CONTACT: Evonne M. McBurrows, Program Manager, Federal Aviation Administration, Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, Michigan 48174. Telephone Number: (734) 229–2945/ FAX Number: (734) 229–2950.

SUPPLEMENTARY INFORMATION: In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

The 10.667 acre parcel is located east of Lost Nation Road and North of Jet Drive adjacent to the westerly airport

property boundary line. The property is currently undeveloped land and was acquired by the City of Willoughby under Federal grant 8–1–3–39–0090–0185. The proposed non-aeronautical use of the land will be for a 120,000 square foot manufacturing facility and office space. The property is not needed for aeronautical purposes. The release of the property and use of the property will be in conformity with local and state laws. The property has a proposed developer identified and it has been appraised. The airport will receive Fair Market Value for the land to be sold.

The disposition of proceeds from the sale of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999 (64 FR 7696).

This notice announces that the FAA is considering the release of the subject airport property at the Willoughby Lost Nation Municipal Airport, City of Willoughby, Ohio from federal land covenants, subject to a reservation for continuing right of flight as well as restrictions on the released property as required in FAA Order 5190.6B section 22.16. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA.

Legal Description 10.667 Acres

Situated in the City of Willoughby, County of Lake, and State of Ohio and known as being part of Original Lot No. 6, Douglas Tract, and is further bounded and described as follows:

Beginning at an iron pin found at the southeasterly corner of land conveyed to Halabar Enterprises, LLC by deed recorded in Document No. 970032610 of Lake County Records in the northerly sideline of Jet Center Place, where it is 70.00 feet wide, at a point located South 88°15′30″ East 14.98 feet from an angle point in said sideline, said point being further located 4 + 19.98, 35.00 feet left as appears by plat recorded in Vol.16, Page 34 of Lake County Plat Records,

Thence North 1°44′30″ East, along the easterly line of said land of Halabar Enterprises, 753.23 feet to an iron pin found at the northeasterly corner of said land;

Thence South 88°43′30″ West, along the northerly line of said land, 60.56 feet to an iron pin found at the southeasterly corner of land conveyed to Authur P. Armington by deed recorded in Vol. 704, Page 163 of Lake County Official Records;

Thence, North 1°44′30″ East along the easterly line of Armington, 240.00 feet to an iron pin found at the southerly line of land conveyed to Frank R. Farroni by deed recorded in Volume 759, Page 634 of Lake County Records.

Thence North 88°43′30″ East along the southerly said land of Farroni, 3.00 feet to an iron pin found at the southeasterly corner of said land,

Thence North 01°44′30″ East, along the easterly line of said land of Farroni 28.00 feet to an iron pin found at the southwesterly corner of land conveyed to Lost Nation Parkway, I Ltd by Document No. 980042081 of Lake County Records.

Thence South 88°15′30″ East along the southerly line of said land of Lost Nation Parkway 1, Ltd., 499.92 feet to an iron pin set;

Thence South 1°44′30″ West, 903.33 feet to an iron pin found at the northwesterly corner of land conveyed to the City of Willoughby by deed recorded in Vol. 680 Page 252 of Lake County Official Records;

Thence South 0°14′52″ West, along the westerly line of said land of the City, 82.96 feet to an iron pin found at the curved northerly, sideline of Jet Center Place;

Thence westerly along said sideline on an arc deflecting to the left, said arc having a radius of 68.50 feet and a chord of 59.34 feet which bears South 78°13′00″ West, a distance of 61.38 feet to a point of reverse curve;

Thence westerly continuing along said sideline on an arc deflecting to the right said arc having a radius of 81.50 feet and a chord of 54.47 feet which bears South 72°3′11″ West a distance of 55.54 feet to a point.

North 88°15′30″ West along said sideline of Jet Center Place 335.53 feet to the place of beginning and containing 10.667 acres of land according to a survey made in August 1999 by Richard J. Bislki, registered surveyor No. 5244 of CT Consultants, Inc., Registered Engineers and Surveyors, be the same more or less, but subject to all legal highways.

The bearings stated herein are based upon the recorded bearings as shown on the dedication plat of Jet Center Place, Vol. 16 Page 34 and are for the sole purpose of indicating relative angular values between lines.

Issued in Romulus, Michigan on April 16, 2018.

John L. Mayfield, Jr.,

Manager, Detroit Airports District Office, FAA, Great Lakes Region.

[FR Doc. 2018–08555 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0140]

Hours of Service of Drivers: Application for Exemption; American Pyrotechnics Association

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that the American Pyrotechnics Association (APA) has requested an exemption from the hours-of-service (HOS) regulations that require a motor carrier to install and require each of its drivers use an electronic logging device (ELD) to record the driver's HOS. APA requests the exemption for APA member-companies currently holding an exemption from the HOS 14-hour rule during the Independence Day celebration season. If granted, these member-companies would continue to utilize paper records of duty status (RODS) in lieu of utilizing an ELD during the designated Independence Day periods. APA believes that the exemption, if granted, would not have any adverse impacts on operational safety, as drivers would continue to remain subject to the HOS regulations as well as the requirements to maintain paper RODS. FMCSA requests public comment on APA's application for exemption.

DATES: Comments must be received on or before May 24, 2018.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2018–0140 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the *Public Participation and Request for Comments* section below for further information.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.
- Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. Tom Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2018–0140), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comments online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2018–0140'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

The APA reports that it is a national safety and trade association of the U.S. fireworks industry, representing manufacturers, importers, distributors, wholesalers, retailers, suppliers and professional display companies. APA has over 250 member companies. Along with their subsidiaries, APA's member-companies are responsible for nearly ninety percent of the fireworks manufactured, imported, distributed and professionally displayed in the United States.

According to its application, APA seeks a limited exemption from the ELD requirements for member-companies currently holding an HOS exemption from the 14-hour rule to continue to maintain paper RODs in lieu of utilizing ELDs. Various APA members have held 2-year exemptions during Independence Day periods from 2005 through 2014. On May 16, 2016, the current exemption for APA members was extended to July 8, 2020, pursuant to section 5206(b)(2)(A) of the Fixing America's Surface Transportation (FAST) Act (81 FR 28115).

APA asserts that granting this exemption is appropriate because there is no basis to believe that continuing to allow paper record keeping for this limited subset of the regulated community, and for a limited period of time, would impact operational safety in any regard. In addition, due to the unique nature of the fireworks industry, requiring the use of ELDs for this limited seasonal delivery period would impose a substantial financial burden on members because it would require them to purchase/lease systems for use for only a short period every year.

APA explained that members rely upon intermittent casual drivers periodically throughout the year and particularly during the busy Independence Day season when industry depends upon short-term rental trucks. The fireworks industry is unique in that it rents or leases approximately 90% of its vehicles throughout the year for less than 30 days at a time. However, most rental companies require a minimum rental period of 14 to 21 days when APA member companies may only use the trucks in commerce for up to 11 days. The mix of vehicles rented includes pick-up trucks, cargo vans, city vans and straight trucks less than 26,000 GVW. The industry relies heavily upon short-term rental trucks to transport and deliver 98% of the 16,000 Independence Day fireworks displays nationwide. If granted, the exemption would run concurrent with APA's HOS exemption and would expire on July 8, 2020. This exemption would only apply when the carriers designated in the APA HOS exemption, including revisions, are operating within the specified Independence Day periods.

A copy of APA's application for exemption is available for review in the docket for this notice.

Issued on: April 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–08506 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0051]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from eight individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before May 24, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0051 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The eight individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section *H. Epilepsy: § 391.41(b)(8),* paragraphs 3, 4, and 5.]

The advisory criteria states the following:

If an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the Medical Examiner in consultation with the treating physician. Before certification is considered, it is suggested that a six-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (*e.g.,* drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a five-year period or more.

As a result of Medical Examiners misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication,

[1] See *http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a* and *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

rather than an individual analysis of their circumstances by a qualified Medical Examiner based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a Notice of Final Disposition titled, Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders, (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate CMV drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' Since the January 15, 2013 notice, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in 49 CFR 391.41(b)(8).

To be considered for an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency's Medical Expert Panel (MEP) (78 FR 3069).

II. Qualifications of Applicants

Steven H. Ford

Mr. Ford is a 59-year-old Class D driver in Wisconsin. He has a history of epilepsy and has been seizure free since 1995. He takes anti-seizure medication, with the dosage and frequency remaining the same since 1995. His physician states that he is supportive of Mr. Ford receiving an exemption.

Scott Habeck

Mr. Habeck is a 55-year-old Class A3 driver in South Dakota. He has a history of epilepsy and has been seizure free since 2006. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2006. His physician states that he is supportive of Mr. Habeck receiving an exemption.

Nathan E. Kanouff

Mr. Kanouff is a 37-year-old Class AM driver in Georgia. He has a history of epilepsy and has been seizure free since 2009. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2013. His physician states that he is supportive of Mr. Kanouff receiving an exemption.

Richard L. Kienel, Jr.

Mr. Kienel is a 36-year-old Class C driver in Georgia. He has a history of a seizure disorder and has been seizure free since 1999. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2013. His physician states that he is supportive of Mr. Kienel receiving an exemption.

Joe L. King, Jr.

Mr. King is a 49-year-old Class C driver in North Carolina. He has a history of a single provoked seizure and has been seizure free since 2017. He stopped taking anti-seizure medication in 2017. His physician states that he is supportive of Mr. King receiving an exemption.

Daniel L. Martin

Mr. Martin is a 39-year-old Class B driver in Iowa. He has a history of a single unprovoked seizure and has been seizure free since 1994. He stopped taking anti-seizure medication in 1997. His physician states that he is supportive of Mr. Martin receiving an exemption.

Phillip Moore

Mr. Moore is a 57-year-old Class A driver in Connecticut. He has a history of a single unprovoked seizure and has been seizure free since 2013. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2013. His physician states that he is supportive of Mr. Moore receiving an exemption.

Joshua Thomas

Mr. Thomas is a 29-year-old Class D driver in Minnesota. He has a history of a seizure disorder and has been seizure free since 2010. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2012. His physician states that he is supportive of Mr. Thomas receiving an exemption.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0051 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0051 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: April 18, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–08508 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0255]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 28 individuals who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle (CMV) from operating CMVs in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

FMCSA received applications from 28 individuals who requested an exemption from the FMCSRs prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a CMV from operating CMVs in interstate commerce.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(8).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds such an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such an exemption. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on the eligibility criteria, the terms and conditions for Federal exemptions, and an individualized assessment of each applicant's medical information provided by the applicant.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the criteria eligibility or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to or greater than, the level of safety that would be obtained by complying with the regulation 49 CFR 391.41(b)(8). Therefore, the 28 applicants in this notice have been denied exemptions from the physical qualification standards in 49 CFR 391.41(b)(8).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitutes final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 19 applicants do not meet the minimum time requirement for being seizure-free, either on or off of anti-seizure medication:

Rickie Brown (TX)
Steven F. Buetel (IA)
Caleb Coulter (VT)
Christopher Dowling (IN)
Seth Foster (MO)
Paul W. Gibson (AZ)
Christopher J. Gilbert (VA)
Sean J. Gongaware (PA)
Norma Haus (MN)
Alan E. Houser (IN)
David Hudson (WV)
Barbara Miller (TX)
John Pounds (NY)
William Senn (SC)
Michael Shumake (VA)
Donald V. Soto (NY)
Joshua Thomas (MN)
Johnny Toles (IN)
Brian J. Underwood (OH)

The following eight applicants are intrastate drivers:

Dwayne A. Burrus (NY)
Paul E. Faatz (OH)
Paul M. Gorzycki (MN)
Justin Kerbow (OR)
Michael R. Miles (MA)
Amy Powell (WI)
Michael J. Shea (NJ)
Daisy Tapia (NY)

The following applicant is under 21 years old:

Austin Freeland (WI)

Issued on: April 18, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–08507 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0059]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 30 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on April 2, 2018. The exemptions expire on April 2, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments

from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On February 27, 2018 FMCSA published a notice announcing receipt of applications from 30 individuals requesting an exemption from the hearing requirement in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (83 FR 8567). The public comment period ended on March 29, 2018, and one comment was received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to driver a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

49 CFR 391.41(b)(11) was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

III. Discussion of Comments

FMCSA received one comment in this proceeding. The comment was out of scope of this notice.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the hearing standard in 49 CFR 391.41(b)(11) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on current medical information and literature, and the 2008 Evidence Report, ''Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety.'' The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) No studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver's license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant's driving record found in the Commercial Driver's License Information System (CDLIS), for commercial driver's license (CDL) holders, and inspections recorded in the Motor Carrier Management Information System (MCMIS). For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA). Each applicant's record demonstrated a safe driving history. Based on an individual assessment of each applicant that focused on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce, the Agency believes the drivers granted this exemption have demonstrated that they do not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the hearing standard in 49 CFR 391.41(b)(11) is likely to achieve a level of safety equal to that existing without the exemption.

IV. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must report any crashes or accidents as defined in 49 CFR 390.5; (2) each driver must report all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391 to FMCSA; and (3) each driver is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 30 exemption applications, FMCSA exempts the following drivers from the hearing standard, 49 CFR 391.41(b)(11), subject to the requirements cited above:

Kathleen A. Abenchuchan, (IA)
Maurice Abenchuchan, (IA)
Cory Lee Adkins, (OH)
James Bogart, KS)
Johnny D. Brewer, (OH)
Forrest Carroll, (OH)
James G. Carter, (GA)
Julian V. Faire, Jr., (CA)
Jeffrey Farrington, (NY)
Barry E. Felton, Sr., (MI)
Samuel Fernandez, (FL)
Jada Hart, (IA)
Harold C. Johnson, PA)
Paul Klug, (IA)
Cody Lauritsen, (NE)
Dayton Lawson Jr., (MI)
Berenice Martinez, (TX)
Scott Miller, (IA)
Michael A. Murrah, (IL)
Kenneth Novcaski, (AZ)
Kiley C. Peterson, (IA)
John See, (OH)
Michael Sepulvedo, (CO)
Darren Talley, (LA)
Frankie D. Tarlton, NC)
Diana P. Turner, (NJ)
Dick M. Vanderspek, (UT)
Thomas K. Warner II, (WA)
Tommy M. Weldon, (GA)
Johnny Wu, (DE)

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: April 18, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–08511 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0142]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Castignoli Enterprises

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) requests public comment on an application for exemption from Castignoli Enterprises (Castignoli) to allow a sleeper berth to be installed in the bed of a Ford F350 pickup truck that, when operated in combination with certain trailers, is a commercial motor vehicle (CMV) under the Federal Motor Carrier Safety Regulations (FMCSR). A sleeper berth installed in the bed of the pickup truck does not meet the access, location, exit, communication, or occupant restraint requirements for sleeper berths in the FMCSRs. Castignoli believes that the sleeper berth installed in the bed of the pickup truck will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

DATES: Comments must be received on or before May 24, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2018–0142 using any of the following methods:

- *Website: http://www.regulations.gov.* Follow the instructions for submitting comments on the Federal electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Ground Floor, Room W12–140, DOT Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday-Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the ''Public Participation'' heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the ''Privacy Act'' heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to Room W12–140, DOT Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Public participation: The *http://www.regulations.gov* website is generally available 24 hours each day, 365 days each year. You may find electronic submission and retrieval help and guidelines under the ''help'' section of the *http://www.regulations.gov* website as well as the DOT's *http://docketsinfo.dot.gov* website. If you would like notification that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Mr. Luke W. Loy, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–0676, *Luke.Loy@dot.gov,* Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

Under 49 CFR 381.315(a), FMCSA must publish a notice of each exemption request in the **Federal Register**. The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305).

The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must specify the effective period of the exemption (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

Castignoli's Application for Exemption

Castignoli applied for an exemption from 49 CFR 393.76(a)(3), (b)(2), (c), (d), and (h) to allow a sleeper berth to be installed in the bed of a Ford F350 pickup truck. A copy of the application is included in the docket referenced at the beginning of this notice.

Section 393.76 of the FMCSRs provides various requirements for sleeper berths installed in CMVs. Specific to Castignoli's exemption application:

1. Section 393.76(a)(3), ''*Access,*'' requires a sleeper berth to be constructed so that an occupant's ready entrance to, and exit from the sleeper berth is not unduly hindered.
2. Section 393.76(b)(2), ''*Location,*'' requires a sleeper berth located within the cargo space of a motor vehicle to be securely compartmentalized from the remainder of the cargo space.
3. Section 393.76(c), ''*Exit from the berth,*'' requires a direct and ready means of exit from a sleeper berth into the driver's seat or compartment.
4. Section 393.76(d), ''*Communication with the driver,*'' requires a sleeper berth which is not located within the driver's compartment and has no direct entrance into the driver's compartment to be equipped with a means of communication between the occupant and the driver. The means of communication may consist of a telephone, speaker tube, buzzer, pull cord, or other mechanical or electrical device.
5. Section 393.76(h), ''*Occupant restraint,*'' requires a motor vehicle manufactured on or after July 1, 1971, and equipped with a sleeper berth to be equipped with a means of preventing ejection of the occupant of the sleeper berth during deceleration of the vehicle. The restraint system must be designed, installed, and maintained to withstand a minimum total force of 6,000 pounds applied toward the front of the vehicle and parallel to the longitudinal axis of the vehicle.

The applicant states that he is the owner/operator of Castignoli, and is the ''solo driver of a hot shot hauler, F350 1-ton pickup with trailer . . .'' [1] The

[1] In trucking, the term ''hot shot'' commonly refers to either the truck or the freight—often both. In the former sense, it's normally a Class 3–5 truck used in combination with a variety of trailers to run

Continued

applicant states that as a solo driver, ''there is no ready need for access between the sleeper berth and the driver's compartment.'' In addition, the applicant states:

> I plan to incorporate the sleeper berth into the bed of the tow vehicle. The utilization of this type of sleeper berth, would allow myself (as the sole driver) to meet the hours of [10-hour] service rest period requirements by utilizing a sleeper berth incorporated into the bed of the vehicle (Rear covered, ventilated, insulated, bed with cap and full size twin mattress) in lieu of a motel each evening. The tow vehicle/trailer combination would not be operating on the roadway during my 10-hour rest period, so there is no benefit in having the access requirements to the driver compartment, nor any need for communication with the driver (myself), nor any occupant restraint requirement as the vehicle is not moving while I am sleeping. The sleeper berth is separate from the trailer behind the tow vehicle, and is therefore separate from the cargo.
>
> The current FMCSR regulatory requirements for sleeper berth access seem to rely on the assumption that one driver is driving while another driver is in the sleeper berth, and that the truck is moving at all times. The situation that I have as a single driver is that when I am off duty, the vehicle is not moving and therefore direct access to the sleeper berth area should not be required, and since the vehicle is not moving there is no need for occupant restraint systems nor a means for communication with the driver. All other dimensional requirements, ventilation, and protection against exhaust and fuel leaks will be met.

The applicant states that as a result of mobility issues associated with a partially fused spine, it is easier for him to access a sleeper berth installed in the bed of the pickup truck as opposed to a sleeper berth that could be installed in the back seat of the pickup truck that meets the requirements of the FMCSRs.

The exemption would apply to Castignoli's sole driver and pickup truck. Castignoli believes that the sleeper berth installed in the bed of the pickup truck will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public comment from all interested persons on Castignoli's application for an exemption from sections (a)(3), (b)(2), (c), (d), and (h) of 49 CFR 393.76. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: April 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–08509 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–EX–P

for-hire freight, whether for a single customer or less-than-truckload. The truck is often a ¾ to 1½ ton pickup outfitted with weight-distributing gooseneck- or fifth-wheel-type connections to a trailer.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0087]

Agency Information Collection Activities; Renewal of an Approved Information Collection: Lease and Interchange of Vehicles

AGENCY: FMCSA, DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. This ICR will enable FMCSA to document the burden associated with the for-hire truck leasing regulations codified in 49 CFR part 376, ''Lease and Interchange of Vehicles'' and passenger carrier regulations codified at 49 CFR part 390, subpart F, ''Lease and Interchange of Passenger-Carrying Commercial Motor Vehicles.'' These regulations require certain for-hire motor carriers to have a formal lease when leasing equipment. The FMCSA requests approval to renew an ICR titled, ''Lease and Interchange of Vehicles.''

DATES: We must receive your comments on or before June 25, 2018.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2018–0087 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC, 20590–0001 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Crystal Frederick, Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202–366–2904; email: *Crystal.Frederick@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Secretary of Transportation (Secretary) is authorized to require a motor carrier that uses commercial motor vehicles not owned by it to transport property under an arrangement with another party to make the arrangement in writing. This written lease agreement must specify its duration, the compensation to be paid by the motor carrier providing transportation subject to jurisdiction under 49 U.S.C. 14102(a), ''Leased Motor Vehicles'' and signed by the parties. The Secretary has delegated authority pertaining to leased motor vehicles to FMCSA pursuant to 49 CFR 1.87(a)(6). The Agency's regulations governing leased motor vehicles are at 49 CFR part 376.

The rules were adopted to ensure that small trucking companies were protected when they agreed to lease their equipment and drivers to larger for-hire carriers. They also ensure that the government and members of the public can determine who is responsible for a property-carrying commercial motor vehicle. Prior to the regulations, some equipment was leased without written agreements, leading to disputes over which party to the lease was responsible for charges and actions and, at times, who was legally responsible for the vehicle. Under 49 U.S.C. 14102(a), FMCSA ''may require a motor carrier providing for-hire transportation that uses motor vehicles not owned by it to transport property under an arrangement with another party to—

(1) make the arrangement in writing signed by the parties specifying its duration and the compensation to be paid by the motor carrier;

(2) carry a copy of the arrangement in each motor vehicle to which it applies during the period the arrangement is in effect;

(3) inspect the motor vehicles and obtain liability and cargo insurance on them; and

(4) have control of and be responsible for operating those motor vehicles in compliance with requirements prescribed by the Secretary on safety of operations and equipment, and with other applicable law as if the motor vehicles were owned by the motor carrier.''

The rules specify what must be covered in the lease, but leave open how many responsibilities must be divided. The parties to the lease determine numerous details between themselves.

Part 376 applies only to certain motor carriers in interstate commerce and only to certain leasing situations based on exemptions set forth in 49 CFR 376.11, which cross references other provisions in part 376. Section 376.11 requires that authorized carriers (a person or persons authorized to engage in the transportation of property as a motor carrier under the provisions of 49 U.S.C. 13901 and 13902) may perform authorized transportation using equipment it does not own only when the following conditions are met: (1) There shall be a written lease granting the use of the equipment and meeting the requirements contained in 376.12; and (2) Receipts, specifically identifying the equipment to be leased and stating the date and time of day possession is transferred, shall be given; and (3) The authorized carrier acquiring the use of equipment under this section shall identify the equipment as being in its service.

Comments to the part 390 rulemaking on passenger carrier leasing caused FMCSA to reduce the regulatory and paperwork burden on passenger carrier vehicles in certain ways. First, vehicles exchanged between or among commonly owned and controlled motor carriers will not be required to have leases and receipts. Second, leases and receipts will not be required when passenger carriers party to a revenue pooling agreement approved by the Surface Transportation Board exchange or interchange passenger vehicles between or among themselves on routes subject to the pooling agreement. A simple statement affirming responsibility for regulatory compliance and marking the vehicle appropriately will be required for these: (1) Exchanges of passenger vehicles among commonly owned and controlled motor carriers; and (2) parties to revenue pooling agreement approved by the Surface Transportation Board.

These property and passenger carrier provisions account for the burden in this information collection.

This program change increase of 527,214 estimated annual burden hours (1,136,114 proposed estimated annual burden hours—608,900 currently approved estimated annual burden) is due to updated estimates of the number of respondents and responses. Previous estimates were based on 2014 data. Current estimates are based on September 26, 2017, Motor Carrier Management Information System and Safety Measurement System snapshots. The data pulled for the current ICR shows an increase in the overall number of carriers since the data used in the previous ICR. The increased carriers resulted in an increase in the overall burden hours associated with this ICR.

Title: Lease and Interchange of Vehicles.

OMB Control Number: 2126–0056.

Type of Request: Renewal of currently approved collection.

Respondents: Motor carriers authorized by the Secretary to transport property and passengers that use leased equipment.

Estimated Number of Respondents: 5,213,193 [18,820 lessees (IC–1) + 18,820 lessors (IC–1) + 5,175,552 carrier representatives (IC–2)].

Estimated Time per Response: Varies from 5 to 30 minutes.

Expiration Date: August 31, 2018.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 1,136,114 hours [18,820 master lease (ICR Component 1 (IC–1)) + 62,236 standard statement (IC–1) + 13,478 master lease (ICR Component 2 (IC–2)) + 862,592 negotiation (IC–2) + 143,190 documentation (IC–2) + 0 (negligible) copying (IC–2) + 35,798 charter group notification (IC–2)].

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: April 18, 2018.

Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2018–08525 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0091]

Agency Information Collection Activities; Renewal of an Approved Information Collection: Commercial Motor Vehicle Marking Requirements

AGENCY: Federal Motor Carrier Safety Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of

Management and Budget (OMB) for its review and approval, and invites public comment. This ICR will enable FMCSA to document the burden associated with the marking regulations codified in 49 CFR 390.21, ''Marking of Self-Propelled CMVs and Intermodal Equipment.'' These regulations require marking of vehicles and intermodal equipment by motor carriers, freight forwarders and intermodal equipment providers (IEPs) engaging in interstate transportation.

DATES: We must receive your comments on or before June 25, 2018.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2018–0091 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC, 20590–0001 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Crystal Frederick, Compliance Division, Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590. Telephone: 202–366–2904; email: *Crystal.Frederick@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Secretary of Transportation (Secretary) is authorized to require marking of vehicles and intermodal equipment by motor carriers, freight forwarders and intermodal equipment providers (IEPs) engaging in interstate transportation based on the authority of 49 U.S.C. 31133(a)(8) and 31133(a)(10). The Secretary has delegated authority pertaining to the marking of commercial motor vehicles (CMVs) pursuant to 49 CFR 1.87(f). The Agency's regulation governing the marking of CMVs is codified at 49 CFR 390.21.

Vehicle marking requirements are intended to ensure that FMCSA, the National Transportation Safety Board (NTSB), and State safety officials are able to identify motor carriers and correctly assign responsibility for regulatory violations during inspections, investigations, compliance reviews, and crash studies. These marking requirements will also provide the public with beneficial information that could assist in identifying carriers for the purposes of commerce, complaints or emergency notification. The marking requirements apply to motor carriers, freight forwarders and intermodal equipment providers (IEPs) engaging in interstate transportation. The Agency does not require a specific method of marking as long as the marking complies with FMCSA's regulations. The program change decrease of 76,751 estimated annual burden hours (774,249 proposed estimated annual burden hours—851,000 approved estimated annual burden hours) is due to adjustments in respondent and response estimates, as well as the removal of initial marking burden from the adoption of the ''Lease and Interchange of Vehicles; Motor Carriers of Passengers'' final rule.

Title: Marking of Self-Propelled CMVs and Intermodal Equipment

OMB Control Number: 2126–0054.

Type of Request: Renewal of a currently approved collection.

Respondents: Freight carrying commercial motor carriers, Passenger carrying commercial motor carriers, freight forwarders and intermodal equipment providers.

Estimated Number of Respondents: 218,389 motor carriers and Intermodal equipment providers (IEPs).

Estimated Time per Response: 26 minutes [12 minutes to affix DOT Number + 14 minutes for affixing a carrier's name = 26].

Expiration Date: August 31, 2018.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 774,249 hours spent by motor carriers and IEPs marking CMVs with a DOT number and carrier information.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: April 18, 2018.

Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2018–08527 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0032]

Commercial Driver's License Standards: Application for Exemption; Daimler Trucks North America (Daimler)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that Daimler Trucks North America (Daimler) has requested an exemption for one commercial motor vehicle (CMV) driver from the Federal

requirement to hold a U.S. commercial driver's license (CDL). Daimler requests an exemption for Mr. Christopher Veber, Lead Engineer in Vehicle Predictive Technology for Daimler. Mr. Veber holds a valid German commercial license and wants to test drive Daimler vehicles on U.S. roads to better understand product requirements in ''real world'' environments, and verify results. Daimler believes the requirements for a German commercial license ensure that operation under the exemption will likely achieve a level of safety equivalent to or greater than the level that would be obtained in the absence of the exemption.

DATES: Comments must be received on or before May 24, 2018

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2012–0032 using any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4225. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2012–0032), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2012–0032'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 5 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

Daimler has applied for an exemption for Christopher Veber from 49 CFR 383.23, which prescribes licensing requirements for drivers operating CMVs in interstate or intrastate commerce. Mr. Veber is unable to obtain a CDL in any of the U.S. States due to his lack of residency in the United States. A copy of the application is in Docket No. FMCSA–2012–0032.

The exemption would allow Mr. Veber to operate CMVs in interstate or intrastate commerce to support Daimler field tests designed to meet future vehicle safety and environmental requirements and to promote technological advancements in vehicle safety systems and emissions reductions. Mr. Veber needs to drive Daimler vehicles on public roads to better understand ''real world'' environments in the U.S. market. According to Daimler, Mr. Veber will typically drive for no more than 6 hours per day for 2 consecutive days, and that 10 percent of the test driving will be on two-lane State highways, while 90 percent will be on Interstate highways. The driving will consist of no more than 200 miles per day, for a total of 400 miles during a two-day period on a quarterly basis. He will in all cases be accompanied by a holder of a U.S. CDL who is familiar with the routes to be traveled.

Mr. Veber holds a valid German commercial license, and as explained by Daimler in its exemption request, the requirements for that license ensure that the same level of safety is met or exceeded as if this driver had a U.S. CDL. Furthermore, according to Daimler, Mr. Veber is familiar with the operation of CMVs worldwide. Daimler

requests that the exemption cover the maximum allowable duration of 5 years.

IV. Method To Ensure an Equivalent or Greater Level of Safety

FMCSA has previously determined that the process for obtaining a German commercial license is comparable to, or as effective as, the requirements of part 383, and adequately assesses the driver's ability to operate CMVs in the U.S. Since 2012, FMCSA has granted Daimler drivers similar exemptions [May 25, 2012 (77 FR 31422); July 22, 2014 (79 FR 42626); March 27, 2015 (80 FR 16511); October 5, 2015 (80 FR 60220); July 12, 2016 (81 FR 45217); July 25, 2016 (81 FR 48496); August 17, 2017 (82 FR 39151)].

Issued on: April 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–08505 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2018–0022]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 43 individuals from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on March 17, 2018. The exemptions expire on March 17, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On February 14, 2018, FMCSA published a notice announcing receipt of applications from 43 individuals requesting an exemption from diabetes requirement in 49 CFR 391.41(b)(3) and requested comments from the public (83 FR 6674). The public comment period ended on March 16, 2017, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on the program eligibility criteria and an individualized assessment of information submitted by each applicant. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the February 14, 2018, **Federal Register** notice (83 FR 6674) and will not be repeated in this notice.

These 43 applicants have had ITDM over a range of 1 to 43 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the past five years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keeping a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when

driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 43 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above:

John H. Armstead (MT)
Christopher M. Barton (NH)
Gary E. Bennett (NC)
Teresa M. Billig (PA)
Deanne M. Burris (CT)
Clarence L. Canty, Jr. (NJ)
Sergio Carrasco (TX)
Phillip B. Claro (IL)
William D. Cucinello (AK)
Brian L. Culver (IA)
Richard L. Dalrymple (WI)
Delmar W. Daoust, Jr. (FL)
Shanay M. Davis (NJ)
Daniel Drozdowski (PA)
Christopher R. Everitt (OH)
Quitman Gardner, Jr. (MS)
Charles E. Goldbolt (LA)
William A. Gordon (VA)
John T. Green, Jr. (FL)
Rick E. Hammond (MO)
Robert W. Harkins (PA)
Leonard C. Harris (NE)
Byron K. Hicks (VA)
Howard L. Hill (TX)
Marcus E. Hughes (NM)
Ernest T. Johnson (IL)
Kevin J. Lotz (IL)
Mitchell R. McCormick (CA)
Marsdon J. Mercury (NY)
Jeffrey J. Mezzacappa (NJ)
Anthony A. Opipare (PA)
Mark C. Payne (IN)
Robert L. Pieri (PA)
Rick J. Poillucci (IL)
Rafael Santiago (FL)
Nathan M. Schaffer (MO)
Timothy J. Somers (WA)
Wade L. Swenson (TX)
Patrick A. Turner (GA)
Andrew A. Utley (IA)
Daniel J. Ward (IN)
David G. White (AL)
Rocky L. Wood (AR)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Issued on: April 18, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–08516 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2009–0322; FMCSA–2010–0051; FMCSA–2012–0042; FMCSA–2012–0043; FMCSA–2014–0012; FMCSA–2014–0013; FMCSA–2014–0014; FMCSA–2014–0015; FMCSA–2016–0035; FMCSA–2016–0036]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 197 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before May 24, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2009–0322; FMCSA–2010–0051; FMCSA–2012–0042; FMCSA–2012–0043; FMCSA–2014–0012; FMCSA–2014–0013; FMCSA–2014–0014; FMCSA–2014–0015; FMCSA–2016–0035; FMCSA–2016–0036 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end

of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

The 197 individuals listed in this notice have requested renewal of their exemptions from the diabetes standard in 49 CFR 391.41(b)(3), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 197 applicants has satisfied the renewal conditions for obtaining an exemption from the diabetes requirement (75 FR 13647; 75 FR 14652; 75 FR 27616; 75 FR 28684; 77 FR 17111; 77 FR 18302; 77 FR 27841; 77 FR 29446; 79 FR 10612; 79 FR 14579; 79 FR 18400; 79 FR 22573; 79 FR 27685; 79 FR 28590; 79 FR 29262; 79 FR 35855; 81 FR 21649; 81 FR 24161; 81 FR 59723; 82 FR 20966; 82 FR 24434). They have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of May and are discussed below:

As of May 11, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 17111; 77 FR 27841; 82 FR 24434):

John G. Hager, Jr. (NJ)
Charles C. Carver (MN)
Benjamin Kimbrough (KS)
Jeffery J. Lawrie (OH)
Raymond Pittman, Jr. (IL)
Robert J. Socha (NE)
Thomas C. Torbett (MO)

The drivers were included in docket number FMCSA–2012–0042. Their exemptions are applicable as of May 11, 2018, and will expire on May 11, 2020.

As of May 13, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 30 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (81 FR 21649; 82 FR 20966):

William M. Adams (SC)
Phillip J. Boruszewski (IL)
Kenneth H. Brown (NY)
Alfred S. Church, Jr. (IN)
James R. Conley (IN)
Irvin L. Davis (VA)
Richard J. Dudzenski (PA)
William M. Dutton (ND)
Richard W. Favier (CT)
Richard G. Fiscus, Jr. (MA)
Raymond C. Hartill (WA)
Todd E. Himebauch (IL)
John R. Hofmann, Jr. (IL)
Matthew E. Ingham (WA)
Grant L. Jensen (SD)
Victor E. Kaneps (CO)
Albert J. Laubauskas (NJ)
Michael M. Lillie (MI)
Barrington F. Mahabee (NY)
Robert J. Marnell (IA)
Clayton E. McCoy (TX)
Scott A. Newell (MI)
Braydon D. Paytas (UT)
William J. Pratt (MN)
Kyle L. Roy (OH)
Jerry G. Smith (NC)
William J. Taylor (IN)
Roy E. Tompkins (NY)
Vasilios Tsimis (NY)
Craig J. Voudren (VA)

The drivers were included in docket number FMCSA–2016–0035. Their exemptions are applicable as of May 13, 2018, and will expire on May 13, 2020.

As of May 14, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 19 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 10612; 79 FR 27685; 82 FR 24434):

Todd L. Brandt (IL)
Dean G. Brekhus (ND)
Angie M. Carrington (IL)
Samuel J. Desmond (RI)
John F. Fedorchak, Jr. (PA)
Derek W. Frazier (IA)
Michael G. Haugen (WI)
Timothy S. Hinkhouse (NE)
Douglas R. Lane (NY)
Jonathon W. Luebke (WI)
Brion T. Maguire (PA)
Jacob R. Martin (MO)
John C. May (NE)
Angel F. Morales (CO)
Slobodan Pavlovich (WA)
Darryl W. Peppers (IN)
Bradley S. Pletcher (PA)
Hank D. Rose, Jr. (NC)
Joshua R. Wiery (OH)

The drivers were included in docket number FMCSA–2014–0012. Their exemptions are applicable as of May 14, 2018, and will expire on May 14, 2020.

As of May 16, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 23 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 14579; 79 FR 28590; 82 FR 24434):

Schylor M. Altenhofen (IA)
Don R. Anderson, III (IN)
Thomas A. Barnes (MI)
Alvin L. Carpenter (MT)
Richard J. D'Ambrosia (NY)
Jefferey F. Deane (MA)
Bradley J. Frazier (IL)
Carl R. Gentry (WA)
Robert M. Hutchison (NY)
Craig A. Keese, Jr. (NY)
Amos L. Lapp (PA)
Edward J. Lulay (IL)
Donald S. Middleton (MO)
Alva D. Moffatt (WA)
Antonio Pepiciello (NY)
James K. Popp (MN)
Dustin P. Russell (PA)
Sean L. Shidell (WI)
Randall L. Schultz (MO)
Chad B. Spidell (PA)
Cameron M. Sprinkle (IN)
Douglas E. Stewart (MS)
Thomas L. Williams (MN)

The drivers were included in docket number FMCSA–2014–0013. Their exemptions are applicable as of May 16, 2018, and will expire on May 16, 2020.

As of May 17, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 27 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 13647; 75 FR 27616; 77 FR 18302; 77 FR 29446; 82 FR 24434):

Mark S. Boettcher (MN)
Steven C. Boudreau (MA)
Roy L. Brokaw (WI)
Chris D. Chambers (LA)
Charles A. Cinert, Sr. (IL)
Dale J. Cleaver (PA)
Bert R. Duncan, II (UT)
Lance L. Fuller (MN)
Johnny Gardner, Jr. (SC)
Mark D. Golden (MI)
Nathaniel W. Gorham (IN)
DeVere E. Hansen (UT)
Grant C. Huftalin (IA)
Steven M. Janczak (WI)
Sheldon R. Koehn (KS)
Jason R. Kropp (OK)
Adolfo Moreno, Jr. (WA)
John W. Morrison (CA)
Bruce V. Oppegard (MN)
Steven G. Petersen (MN)
Damian J. Porter (NY)
David L. Rice (ME)
Wayne F. Richards (PA)
Gary G. Siornen (MT)
Rodney L. Stoltenberg (IA)
Wade D. Street (MT)
Stanley C. Tarvidas (IL)

The drivers were included in docket numbers FMCSA–2009–0322; FMCSA–2012–0043. Their exemptions are applicable as of May 17, 2018, and will expire on May 17, 2020.

As of May 21, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 42 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 14652; 75 FR 28684; 79 FR 18400; 79 FR 29262; 82 FR 24434):

Douglas L. Atkins (GA)
Bradley E. Bradshaw (NC)
Robert L. Buol (IA)
Carlos V. Candelaria (NM)
Suellen M. Civiello (ME)
Michael T. Clements (WI)
Daniel G. Conery (NJ)
James R. Crawford (WA)
Alan Curtis (UT)
David P. Dengate (PA)
Alan D. Ekberg (NE)
Neil G. Ford (PA)
Alden J. Haskins, Sr. (MD)
James Herrada (NE)
Gary W. Hochstein (MN)
Harold D. Hoggard, II (PA)
Terry L. Horn (NC)
Gerald A. Johnson (WI)
Frank J. Katzbeck (IL)
Cory M. Kobernick (KY)
Thomas G. Lamberton (WA)
James K. Libke (IN)
Gordon E. Lindley (WY)
Edwin H. Maranville (OR)
Joseph R. Marcelewski (OH)
David R. Norton (OH)
Eugene P. OQuendo (MA)
Curtis J. Pitt (OR)
Larry J. Reese (PA)
William O. Ruiz, III (AZ)
James P. Rushing, Jr. (VA)
Harold D. Russman (SD)
Hector M. Sanchez (NM)
Scott W. Shindledecker (IN)
Shirliann F. Skroch (NV)
Ross L. Smith, Sr. (NJ)
Christopher Starghill (DC)
Richard L. Stark (OH)
Philip E. Stegeman (ID)
Brandon L. Weaver (PA)
Matthew G. Williams (KY)
Michael B. Wilson (OH)

The drivers were included in docket numbers FMCSA–2010–0051; FMCSA–2014–0014. Their exemptions are applicable as of May 21, 2018, and will expire on May 21, 2020.

As of May 23, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Derald E. Moenning, (NE) has satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 22573; 79 FR 35855; 82 FR 24434).

The driver was included in docket number FMCSA–2014–0015. The exemption is applicable as of May 23, 2018, and will expire on May 23, 2020.

As of May 26, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 48 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (81 FR 24161; 81 FR 59723):

Thomas H. Adams, Jr. (PA)
Spencer L. Bates (VT)
Hobert P. Bates (TX)
Erik E. Baumgart (NE)
Robert T. Birch (PA)
Frank A. Borchers (NJ)
Nathan P. Broussard (KS)
Rodney J. Brown (VA)
Nicholas M. Catizone (MA)
Michael J. Christians (MN)
William R. Faller (PA)
Stephen L. Fehr (IL)
Stephen P. Glenning (FL)
Kevin B. Green (TN)
Dusty R. Grover (ID)
Robert W. Guccion (IA)
Andy H. Harnden (WA)
Russell D. Hartley (KS)
Eric D. Hulst (SD)
Stephen J. Hyde, Sr. (MA)
Steven G. Jackson (IN)
Michelle Jenkins (MA)
Robert C. Jones (VA)
Paul M. Joyce (MA)
Steven W. Keech (PA)
David O. Ludwig (ND)
Marvin D. Mitchell (WA)
Jack D. Moore (WV)
Matthew A. Neidermeier (FL)
Thomas M. Noon (MI)
Ronald A. Ortiz (CA)
Michael V. Palmer (NY)
LeRonne Pegues (IL)
John D. Penrod (SD)
Thomas M. Peterson (NE)
Gregory S. Potter (MO)
Lisa M. Reynolds (CO)
Martina M. Sanchez (NY)
Daniel J. Sing (OH)
Mark W. Smith (PA)
Larry E. Sorrells (VA)
Michael R. Thomen (OH)
Charles E. Tillman, Jr. (FL)
Monte D. Trout (WA)
Aaron M. Trudeau (MT)
Thomas M. Waldron (MA)
David M. Wilfeard II (NY)
Deborah C. Williams (NJ)

The drivers were included in docket number FMCSA–2016–0036. Their exemptions are applicable as of May 26, 2018, and will expire on May 26, 2020.

IV. Conditions and Requirements:

The exemptions are extended subject to the following conditions: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must submit an annual ophthalmologist's or optometrist's report; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or

(3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 197 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: April 18, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–08514 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2011–0368; FMCSA–2011–0381; FMCSA–2013–0192; FMCSA–2013–0193]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 77 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http//www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On February 14, 2018, FMCSA published a notice announcing its decision to renew exemptions for 77 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (83 FR 6692). The public comment period ended on March 16, 2018, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the 77 renewal exemption applications and comments received, FMCSA confirms its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.64(3):

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of March and are discussed below:

As of March 5, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 31 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 79062; 79 FR 12567; 81 FR 14210):

David E. Ames (IL)
Christopher D. Burks (MA)
Larry D. Burton (IL)
Anthony D. Chrisley (CA)
Henry Collins (MO)
John B. Conway, Jr. (NC)
Douglas E. Erney (IN)
William C. Flom (IA)
Brian A. Griep (IA)
Ronnie Harrington (MS)
Andrew P. Hines (OH)
Aaron C. Kaplan (CA)
Sigmund E. Keller (NY)
Derl T. Martin (MO)
Ronald E. Mullard (AL)
Justin C. Orr (OH)
Kevin L. Otto (OH)
Larry H. Painter (PA)
Robert K. Patterson (IA)
Albert M. Purdy (PA)
Adam Ranzy (MO)
Thomas F. Scanlon (NJ)
Harrison G. Simmons (MO)
Scott A. Stout (FL)
Walter D. Strang, IV (CT)
Mark A. Torres (MA)
Eric A. Vernon (IA)
Marvin L. Vonk (IA)
Kelly J. Walstad (MN)
John R. Wappes (OH)
Rickey A. Wulf (IA)

The drivers were included in docket number FMCSA–2013–0193. Their exemptions are applicable as of March 5, 2018, and will expire on March 5, 2020.

As of March 7, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 34 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 3549; 77 FR 13685; 78 FR 78479; 79 FR 13086; 81 FR 14210):

Chad E. Anger (WI)
Edward Blake (GA)
Brian Chase (VA)
Nicholas P. Dube (RI)
James W. Dusing (MN)
Manel Elizondo (TX)
Michael K. Farris (IN)
Menino Fernandes (IL)
Craig J. Gadley, Sr. (NY)
Mary F. Guilfoy (IN)
Matthew E. Hay (TX)
Edward S. Ionescu (IL)
Jeffrey P. James (AR)
Tracy N. Jenkins (DE)
Gregory A. King (NC)
Matthew R. Linehan (NY)
Cory A. Meadows (OH)
Ashun R. Merritt (GA)
Herbert A. Morton (CA)
Jayrome B. Rimolde (MN)
Gale Roland (PA)
John L. Scherette (WA)
Kelly T. Scholl (MN)
James P. Shurkus (NH)
Gregory G. Sisco (IA)
Travers L. Stephens (GA)
Brittany K. Tomasko (CA)
Daren Warren (NY)
Alan T. Whalen (NY)
Thomas L. Whitley (IN)
Randall S. Williams (PA)
Tomme J. Wirth (IA)
Joshua C. Wyse (OH)
Rowland P. Yee (HI)

The drivers were included in docket numbers FMCSA–2011–0368; FMCSA–2013–0192. Their exemptions are applicable as of March 7, 2018, and will expire on March 7, 2020.

As of March 23, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 5870; 77 FR 17116; 81 FR 14210):

Roger L. Arcan, Jr. (MA)
Marsha M. Colberg (WA)
Robert D. Crissinger (MN)
Scott W. Forsyth, Jr. (CO)
Fritz D. Gregory (UT)
Anthony P. Kesselring (FL)
Don R. Kivi (ND)
Vincent Ligotti (NY)
Michael R. Miller (PA)
Jack L. Phippen (WI)
Richard A. Purk (CA)
Jack A. Tidey (AR)

The drivers were included in docket number FMCSA–2011–0381. Their exemptions are applicable as of March 23, 2018, and will expire on March 23, 2020.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: April 18, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–08515 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2017–0254]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt six individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on March 22, 2018. The exemptions expire on March 22, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On February 14, 2018, FMCSA published a notice announcing receipt of applications from six individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (83 FR 6717). The public comment period ended on March 16, 2018, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section *H. Epilepsy: § 391.41(b)(8),* paragraphs 3, 4, and 5.]

[1] See *http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d979970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a* and *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

In reaching the decision to grant these exemption requests, FMCSA considered the 2007 recommendations of the Agency's Medical Expert Panel (MEP). The January 15, 2013, **Federal Register** notice (78 FR 3069) provides the current MEP recommendations which is the criteria the Agency uses to grant seizure exemptions.

The Agency's decision regarding these exemption applications is based on an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System (CDLIS) for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information System (MCMIS). For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA). A summary of each applicant's seizure history was discussed in the February 14, 2018 **Federal Register** notice (83 FR 6718) and will not be repeated in this notice.

These six applicants have been seizure-free over a range of 31 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last two years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the six exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition, 49 CFR 391.41(b)(8), subject to the requirements cited above:

Eriki M. Galloway (TN)
Aaron J. Harms (MO)
Matthew M. Heinen (MN)
Grant M. Johnson (OR)
Derick R. Pendergrass (NC)
Paul D. Vitous (WA)

In accordance with 49 U.S.C. 31315(b)(1), each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: April 18, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–08510 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0073]

Agency Information Collection Activities; Revision of a Currently-Approved Information Collection Request: Annual Report of Class I and Class II Motor Carriers of Property

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. The FMCSA requests approval to revise and extend the ''Annual Report of Class I and Class II Motor Carriers of Property'' ICR, OMB Control No. 2126–0032. This ICR is necessary to ensure that motor carriers comply with FMCSA's financial and operating statistics requirements at chapter III of title 49 CFR part 369 titled ''Reports of Motor Carriers.'' This ICR is being revised to incorporate the OMB approved ''Annual Report of Class I Motor Carriers of Passengers'' ICR, OMB Control No. 2126–0031, for use of the MP–1 form, the ''Annual Report Form (Motor Carriers of Passengers),'' which resulted in only two respondents and one burden hour per year. Through the proposed merger of the two ICRs, FMCSA would rename the 2126–0032 ICR as the ''Annual Report of Class I and Class II For-Hire Motor Carriers'' ICR. And such a merger with the new title will clarify that the combined ICR addresses both for-hire property and passenger carriers, but not private motor carriers. Additionally, after the merger of the ICRs, FMCSA intends to request withdrawal of the previously approved ''Annual Report of Class I Motor Carriers of Passengers'' ICR, OMB Control No. 2126–0031.

DATES: We must receive your comments on or before June 25, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket Number FMCSA–2018–0073 by using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov,* and follow the online instructions for accessing the dockets, or go to the street address listed above.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement for the Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdfE8-794.pdf.*

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Secrist, Office of Registration and Safety Information, Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Telephone: 202–385–2367; email *jeff.secrist@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background: 49 U.S.C. 14123 requires certain for-hire motor carriers of property, passengers, and household goods to file annual financial reports. The annual reporting program was implemented on December 24, 1938 (3 FR 3158), and it was subsequently transferred from the Interstate Commerce Commission (ICC) to the U.S. Department of Transportation's (DOT) Bureau of Transportation Statistics (BTS) on January 1, 1996. The Secretary of DOT delegated to BTS the responsibility for the program on December 17, 1996 (61 FR 68162). Responsibility for collection of the reports was transferred from BTS to FMCSA on August 17, 2004 (69 FR 51009), and the regulations were redesignated as 49 CFR part 369 on August 10, 2006 (71 FR 45740). Annual financial reports are filed on Form M (for-hire property carriers, including household goods carriers) and Form MP–1 (for-hire passenger carriers). On December 17, 2013, FMCSA eliminated a quarterly financial reporting requirement for certain for-hire motor carriers of property (former form QFR) and for-hire motor carriers of passengers (former Form MP–1) (78 FR 76241).

FMCSA has continued to collect carriers' annual reports and to furnish copies of the reports requested under the Freedom of Information Act. For-hire motor carriers (including interstate and intrastate) subject to the Federal Motor Carrier Safety Regulations are classified on the basis of their gross carrier operating revenues.[1] Under the Financial and Operating Statistics (F&OS) program, FMCSA collects from Class I and Class II for-hire motor carriers their balance sheet and income statement data along with information on safety needs, tonnage, mileage, employees, transportation equipment, and other related data. FMCSA may also ask carriers to respond to surveys concerning their operations. The data and information collected would be made publicly available and used by FMCSA to determine a motor carrier's compliance with the F&OS program requirements prescribed at 49 CFR part 369. FMCSA has created electronic forms that may be prepared, signed electronically, and submitted to FMCSA via *https://ask.fmcsa.dot.gov/app/ask/* in accordance with the Agency's April 28, 2014 (79 FR 23306), rulemaking proposal in RIN 2126–AB47, Electronic Signatures and Documents.

Title: Annual Report of Class I and Class II For-Hire Motor Carriers.

OMB Control Number: 2126–0032.

Type of Request: Revision and extension of a currently-approved information collection.

Respondents: Class I and Class II Motor Carriers of Property, Passengers, and Household Goods.

Estimated Number of Respondents: 98 [96 Class I and Class II motor carriers of property (Form M) + 2 Class I motor carriers of passengers (Form MP–1)].

Estimated Time per Response: Varies [9 hours (Form M); 18 minutes (Form MP–1)].

Expiration Date: December 31, 2018.

Frequency of Response: Annually.

Estimated Total Annual Burden: 865 hours [96 respondents × 9 hours to complete form M–1 + 2 respondents × 0.3 = 0.6 rounded to 1 hour to complete form MP–1].

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 agency to perform its mission; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued on: April 18, 2018.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2018–08524 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–EX–P

[1] For purposes of the Financial and Operating Statistics (F&OS) program, carriers are classified into the following two groups: (1) Class I carriers are those having annual carrier operating revenues (including interstate and intrastate) of $10 million or more after applying the revenue deflator formula as set forth in Note A of 49 CFR 369.2; and (2) Class II carriers are those having annual carrier operating revenues (including interstate and intrastate) of at least $3 million, but less than $10 million after applying the revenue deflator formula as set forth in 49 CFR 369.2.

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0057]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel THE BLUE PETER; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 24, 2018.

ADDRESSES: Comments should refer to docket number MARAD–2018–0057. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel THE BLUE PETER is:

—*Intended Commercial Use of Vessel:* ''Occasional charter for classic yacht regattas in New England''

—*Geographic Region:* ''New York (excluding New York Harbor), Massachusetts, Rhode Island, Maine''

The complete application is given in DOT docket MARAD–2018–0057 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * *

By Order of the Maritime Administrator

Dated: April 19, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–08471 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0055]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel DELPHINE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 24, 2018.

ADDRESSES: Comments should refer to docket number MARAD–2018–0055. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel DELPHINE is:

— *Intended Commercial Use of Vessel:* ''Time charters for sailing cruises, scuba, and snorkel trips.''

— *Geographic Region:* ''Maine, New Hampshire, Massachusetts, Connecticut, New York (excluding New York Harbor), New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia''

The complete application is given in DOT docket MARAD–2018–0055 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state

the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Maritime Administrator.

Date: April 19, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–08470 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0056]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SUITE BLUE MIDNIGHT; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 24, 2018.

ADDRESSES: Comments should refer to docket number MARAD–2018–0056. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. You may also send comments electronically via the internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SUITE BLUE MIDNIGHT is:

— *Intended Commercial Use of Vessel:* ''Boy Scouts of America Seabase educational cruising the Florida Keys.''

— *Geographic Region:* ''Florida''

The complete application is given in DOT docket MARAD–2018–0056 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Maritime Administrator.

Dated: April 19, 2018.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–08474 Filed 4–23–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

SUB–AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Actions

On April 18, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individual

1. BARAKAT, Nasif (a.k.a. ABOUTARIF, Nassif; a.k.a. BARAKAT AL FAHILIH, Nasif Jarjis; a.k.a. BARAKAT ALVAHILH, Nasif Gergers; a.k.a. BARAKAT, Nassif; a.k.a. BARKAT, Nasif; a.k.a. BARKAT, Nassif; a.k.a. TARIF, Abu), Fahel, Syria; Germana, Damascus, Syria; Al-Qassaa, Damascus, Syria; Al Fuhaylah, Homs, Syria; DOB 20 Jun 1971; alt. DOB 30 Nov 1970; citizen Syria; Gender Male; National ID No. 04010136281 (Syria) (individual) [TCO] (Linked To: BARAKAT TRANSNATIONAL CRIMINAL ORGANIZATION).

Designated pursuant to section 1(a)(ii)(B) of Executive Order 13581 of July 25, 2011, ''Blocking Property of Transnational Criminal Organizations'' (E.O. 13581) for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the BARAKAT TCO, a person determined to be subject to E.O. 13581.

Also designated pursuant to section 1(a)(ii)(C) of E.O. 13581 for having acted or purported to act for or on behalf of, directly or indirectly, the BARAKAT TCO.

Entity

1. BARAKAT TRANSNATIONAL CRIMINAL ORGANIZATION (a.k.a. NASIF BARAKAT ALIEN SMUGGLING ORGANIZATION), Syria; Lebanon; United Arab Emirates; Turkey; Brazil; Colombia; Guatemala; Venezuela; Panama; Mexico [TCO].

Designated pursuant to section 1(a)(ii)(A) of E.O. 13581 for being a foreign person that constitutes a significant transnational criminal organization.

Dated: April 18, 2018.

John E. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2018–08423 Filed 4–23–18; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 2587

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 2587, Application for Special Enrollment Examination.

DATES: Written comments should be received on or before June 25, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sandra Lowery at Internal Revenue Service, room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or at (202) 317–5754 or through the internet, at *Sandra.J.Lowery@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Special Enrollment Examination.

OMB Number: 1545–0949.

Form Number: Form 2587.

Abstract: Filers use this form to apply to take the Special Enrollment Examination to establish eligibility for enrollment to practice before the Internal Revenue Service.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 11,000.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 11,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 29, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–08561 Filed 4–23–18; 8:45 am]

BILLING CODE 4830–01–P

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